

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

UD832/2006

against

MN547/2006

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr. D. Moore
Mr. P. Woods

heard this claim at Dublin on 22 February 2007

Representation:

Claimant: In person

Respondent: Mr. Karl Hanahoe of Myles C. Murphy & Co, Solicitors,
Gouldbury House, Newbridge, Co. Kildare

The determination of the Tribunal was as follows: -

The Tribunal heard evidence from the construction director that the respondent company had changed its business focus. Now it manages construction projects, it is no longer a direct provider. The claimant was first employed as an agency worker and then as an employee. He worked as a teleporter driver and general operative. The claimant only has a teleporter 'ticket'. A ticket is a skills card that confirms its holder is qualified to do a particular job.

Selection for redundancy was on the basis of skills. The operatives not made redundant all had more than one ticket. The claimant had worked on scaffolding and MEWPs (mini-diggers) without the required tickets, safety regulations mean he should only do work for which he has a ticket. The claimant did other work when required such as assisting, cleaning and bringing scaffolding. The

claimant was not redeployed to the site at Mulhuddart because a general operative was not needed there. The sub-contractors hired their own workers. The claimant was a very good worker. The claimant was given two weeks notice. He did not work the Friday of the first week or any of the second week. He was not paid for two weeks.

The claimant said in evidence that he asked for a pay rise, shortly afterwards he was made redundant. He had eight years experience on building sites. He was overlooked for training.

Determination

The Tribunal following careful consideration of the evidence decided that the claimant had been fairly selected for redundancy. The Claim under the Unfair Dismissals Acts 1977 to 2001 fails.

Under the Minimum Notice and Terms of Employment Acts 1973 to 2001, the Tribunal finds that there was a misunderstanding over time off for the claimant. He is awarded €600.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)