

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

Employee

UD393/2006

against

2 Employers

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr P. Pierson
Mr J. Le Cumbre

heard this claim at Tullamore on 2nd July 2007

Representation:

Claimant(s): Mr. Gerard Dunne, Gerard Dunne & Co., Solicitors,
Castle Street, Birr, Co. Offaly

Respondent(s): No appearance or representation.

The determination of the Tribunal was as follows:-

In opening statement, the claimant's legal representative said that she had been subjected to consistent bad language and bullying, and that the claimant reached a point where she couldn't cope with the situation and she left her employment.

Claimant's case.

The claimant was employed for a period of ten years, working in the dining room area, and in the stillroom at the respondent's premises. Her duties involved wash-up and serving teas and coffees. She denied ever having said or done anything to warrant an investigation by a Health Inspector, indicated that the proprietor appeared to take exception to the investigation, holding her responsible for the inspection. She said that he behaved in a nasty manner towards her, which made her position in the respondent's extremely difficult.

The claimant said that she was assigned to other duties and that another member of staff engaged in practices that undermined her position, making working there even more difficult. When she pointed out the work related risks involving chemicals and hazards within the stillroom area, she was told that she (the claimant) was the cause of a fire. At that point, the claimant said she just used the words "I'm going" and left her employment. She returned to the respondent at 9h.00 a.m. the following day, to resolve the matter with the proprietor at which stage he informed her that her P45 was in the post.

She also confirmed that prior to the above incidents the Duty Manager had used abusive language towards her some two to three weeks prior to the incident that finally caused her to leave her employment. Prior to these events, the claimant said that she had not experienced any difficulties while working for the respondent.

The loss of her employment had taken such a toll on her confidence that she had not been able to seek other employment. She was not aware if the respondent had any procedure to deal with staff complaints. While she had no formal contract of employment, the claimant said that she worked a five-day week, working from 9h.00 to 16h.00 each day, with one-half hour for lunch. On occasion, she worked Saturday and Sundays at the commencement of her employment.

Determination.

Based upon the un-contradicted evidence of the claimant, the Tribunal finds that the claimant was unfairly dismissed.

The most appropriate remedy in this case is compensation as the Tribunal deem that the claimant is unlikely to get another position in her circumstances.

The Tribunal therefore awards the claimant €29,000 in compensation under the Unfair Dismissals Acts, 1977-2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

