

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

UD674/2007

against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Quinlan

Members: Ms. J. Winters
Mr. G. Lamon

heard this appeal at Dublin on 3 December 2007

Representation:

Claimant:

In Person

Respondent:

Mr. Conor Kearney B. L. instructed by Mr. Niall Clancy,
Francis J. O'Mahony, Solicitors, 9 St. Brigids Road,
Clondalkin, Dublin 22

The determination of the Tribunal was as follows:

The claimant was employed as a truck driver from 1 June 2005. The claimant used safety boots from his previous employment until some time in June 2007 when these boots became worn out and the claimant asked the managing director (MD) of the respondent for a new pair. MD resisted this request from the claimant but on 4 July 2007 arranged for a pair of boots, which their major client supplied to drivers who arrived at the client's premises without appropriate footwear. The claimant complained that these boots were second hand and refused to wear them. MD became aware of this and told the claimant there was no work for him if he did not wear the boots. In a telephone call at around 4-30pm that day MD, in response to a question from the claimant, told the claimant that he was dismissed.

Determination:

Having considered the evidence in this case the Tribunal is unanimous in the view that the claimant was dismissed without any, or fair, procedures. It must follow that the dismissal was unfair. Accordingly the Tribunal awards €950-00 under the Unfair Dismissals Acts, 1977 to 2001

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)