

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee

CASE NO.
UD869/2007, RP470/2007
MN687/2007

Against

Employer

Under

UNFAIR DISMISSALS ACTS, 1977 TO 2001
REDUNDANCY PAYMENTS ACTS, 1967 TO 2003
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr. D. Winston
Mr G. Whyte

heard this claim at Dublin on 1st February 2008

Representation:

Claimant : Mr. Connor Keogh B L instructed by
Doyle Hanlon, Solicitors, 6 Richmond Road, Drumcondra, Dublin 3

Respondent : Ms Phil Stubbs, c/o St. Murin's Home Company Ltd.,
55-60 Avonbeg Gardens, Tallaght, Dublin 24

The determination of the Tribunal was as follows:

The claimant was dismissed while on extended sick leave. During the sick leave she complained of having been bullied and the respondent board began in investigation, which was inconclusive.

During the hearing a witness for the respondent who was the claimant's supervisor, told the Tribunal that she had witnessed the claimant being bullied several times and that she herself also felt intimidated by the same person. She did not disclose this to the investigation and agreed that she was wrong in holding back this information.

Nonetheless the respondent board must be deemed to know what she knew, as she was the person who managed the centre where the claimant worked.

We must find that the dismissal was unfair.

The claimant is seeking nominal compensation and The Tribunal awards her €2,000 under the Unfair Dismissals Acts, 1977 to 2001.

The appeals under the Redundancy Payments Acts, 1967 to 2003 and the Minimum Notice and Terms of Employment Acts, 1973 to 2001 are deemed to be withdrawn.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

