

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

Employee

UD118/2008
MN118/2008

Against

Employer

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr J. Hennessy
Mr B. Byrne

heard this claim at Kilkenny on 16th July 2008

Representation:

Claimant(s): Mr. Kevin Morgan, John M. Foley & Company, Solicitors, Bagenalstown,
Co. Carlow

Respondent(s): Ms Yvonne Blanchfield, Owen O'Mahony & Co, Solicitors, 5
John's Bridge, Kilkenny

The determination of the Tribunal was as follows:-

Determination

The claimant was dismissed during maternity leave and the dismissal is deemed to be unfair. Both parties agree that reinstatement is not feasible even though there had been some talk about resuming work. Having regard to the fact that the dismissal is automatically unfair and also having regard to the claimant's efforts to find new work we consider that compensation in the amount of €7,500 to be just and equitable having regard to all the circumstances

Section 7 (1) © of the Unfair Dismissals Act, 1977

“payment by the employer to the employee of such compensation (not exceeding in amount 104 weeks remuneration in respect of the employment from which he was dismissed calculated in

accordance with regulations under section 17 of this Act) in respect of any financial loss incurred by him and attributable to the dismissal as is just and equitable having regard to all the circumstances”.

The claimant is entitled to compensation of €508.00, which is equivalent to two weeks gross pay (€254.00) per week under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

