

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

- claimant

MN687/2008

CASE NO.

UD745/2008

WT312/2008

against

Employer

- respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. P. Clancy

Members: Mr. G. Phelan
Mr. A. Kennelly

heard these claims in Limerick on 18 February 2009 and 21 April 2009

Representation:

Claimant(s) :

Mr. Donal O'Rourke BL instructed by
Ms Elizabeth Walsh, Solicitor, 1 New Wellington Terrace,
O'Connell Avenue, Limerick

Respondent(s) :

Mr. Cathal Minihane, Dermot G. O'Donovan & Partners,
Solicitors, Fifth Floor, Riverpoint, Lower Mallow Street,
Limerick

The determination of the Tribunal was as follows:-

The claimant claimed to have worked for the respondent from 1986 to 13 May 2008 when he was dismissed, without any prior warning or notice, after being shouted at and abused by a respondent director (hereafter referred to as RD) in the presence of a number of employees on the factory floor. The claimant alleged that RD had shouted at him to get out and had physically run him off the premises by following the claimant around and repeatedly urging him to get out. The claimant

further alleged that he had been repeatedly bullied and harassed by RD over the preceding months. It was also claimed that there were three days of holidays due to the claimant.

The respondent denied that the claimant had been dismissed contending that the claimant had terminated his own employment and denying that the claimant had been constructively dismissed. It was denied that the claimant had been shouted at or abused in any way by RD or by any employee or agent of the respondent. It was also denied that the claimant had been bullied or harassed in any way.

Giving sworn testimony, the claimant said that he had begun working for the respondent in February 1986 after having been interviewed by RD. The claimant started by sweeping the floor and then worked on machines. The respondent manufactured office furniture. The claimant was assembling units and then started doing the spraying of units and desktops. Asked if he had received training, the claimant replied that he "kind of picked it up".

After about ten years the spraying was affecting the claimant's health because the fumes were so strong. He started doing screens for desktops covering them with film. There were partitions for offices. Then the work "went slack" and it went from four to two men. He often went on a forklift and did cleaning up. He did "anything to keep going". The claimant's foreman (hereafter referred to as F) would always give him work. If F was off the claimant would not know what to do.

The claimant could not recall getting a contract. He "was just taken on". He was never warned as to his performance. There was no problem until an incident at Xmas 2007. He had had no interaction with RD before that. F would always give the claimant work and the claimant would do it. RD would often ask the claimant to do "this and that" and the claimant would do it.

About ten or eleven "lads" asked the claimant to join a trade union. The claimant did not do so. A few "lads" that were now all gone from the respondent said that the respondent did not want people joining a union. The claimant joined.

The claimant told the Tribunal that he felt that he was being "hassled" when he had joined the union. The respondent started "coming down" on him. The respondent got a letter from the union that the respondent owed backpay.

The Tribunal was furnished with a copy of a letter dated 28 January 2008 from RD to the claimant telling him that the respondent was implementing wage increases, that his new rate of pay would be €10.99 per hour and that the claimant's arrears of pay from 1 January 2007 to 21 January 2008 would be paid to him over four weekly payments commencing in the week ending 1 February 2008.

The claimant got the increase to €10.99 per hour. This applied to all union members. RD had "a different manner" to him then. The claimant felt as if he had just started. When he went in to work at 8.00 a.m. RD's brother would be straight over to him. The claimant hardly got time to put on his work boots.

The claimant told the Tribunal that he had a back problem. The respondent wanted things done differently from the way that the claimant had done them. The claimant had been doing tall units. He could not do units on benches like the respondent wanted because he had a slipped disc in his back. He had got the slipped disc in March or May of 2006 after his car had been hit by another car. He had told F that he had a slipped disc. F had asked for a letter. The claimant could not do any

heavy lifting. (The Tribunal was referred to a note from a doctor saying that the claimant had back pain and was unfit for heavy work.) The claimant told the respondent that he could not do work on a bench because of his back. The respondent said that it wanted the work done on the bench. RD told him this.

Two or three months later, the claimant was outside the respondent's building. A colleague (JOD) had been working with him in the factory. JOD was having a cigarette. RD came out. The claimant was walking back in after putting rubbish in a skip. RD asked the claimant what he was doing and said that the claimant was smoking. The claimant said that he did not smoke. RD said that it was not a rest home. RD roared at F that the claimant was out back smoking. F replied that the claimant did not smoke.

One morning (13 May 2008), the claimant was working away at 8.00 a.m.. F gave him fifty or sixty pedestals to do. The claimant was assembling them. He told F that he could not lift because he had a bad back. There were two Poles present. RD came over and said: "Come on." The claimant said that he had a bad back. RD said that no-one had told him about this. The claimant gave him a note. RD started to give out and told him that there was no work. The claimant said that he could not go on the truck. RD said that there was no other work. The claimant said that he had pedestals to do. RD said: "Get out of the factory!" The claimant said that he had to get his shoes and his jumper. RD said: "Get the fu** out of the factory!" The claimant went to get his jumper. RD said that the claimant was "like all the rest" and that all that the claimant wanted was money. F and JOD were present as well as the two Poles.

The claimant got his jumper and changed his shoes. RD, stating that there were no more screens to be done, said: "Get out of my fu**ing factory!" Before the claimant left he asked if he was being let go. RD said: "Get the fu** out of the factory. There's no work there for you." RD was very violently roaring and using terrible language. RD walked the claimant to the door.

The Tribunal was referred to a letter dated 16 May 2008 from RD to the claimant stating:

"I refer to the incident which occurred on Tuesday morning 13th May 2008, where you refused to carry out a legitimate request by your employer regarding delivery to one of our Customers.

I informed you that the Doctor's Certificate you provided was over six months old and asked you to go away and get an up-to-date Certificate certifying that you were either fit for work or giving medical reasons for your inability to do so.

I am still awaiting submission of this Certificate and must inform you that you cannot return to work until I receive same."

The claimant had been to his solicitor with a view to the taking of steps on his behalf. The Tribunal was referred to a letter (also dated 16 May 2008) from the claimant's solicitor to RD stating:

"We confirm that we act on behalf of (the claimant), a former employee of your company. We were contacted by (the claimant) following his dismissal from your employ on 13th inst.. We understand that, despite working for your company for the past 22 years, (the claimant) was dismissed without any prior warning or notice and was shouted at by you to "get out".

Prior this we understand that (the claimant) was subjected to a campaign of vilification, bullying, ridicule and harassment by you over the last number of months, which has resulted in him now being treated for anxiety and panic attacks. This culminated in his summary dismissal on the 13th May 2008, when he was physically run off the premises by you, you first having shouted at and abused him on the shop floor in front of all his work mates.

We submit that (the claimant) has been gravely wronged and we will be seeking redress pursuant to the legislation.”

In a letter dated 19 May 2008, RD replied as follows:

“We refer to your letter of 16th inst in relation to the above-named and wish to confirm that (the claimant) was not dismissed but told to go away and get an up-to-date Certificate relating to his fitness or otherwise to work.

Attached is a copy of letter sent to him on 16th in this regard to which we are awaiting his reply.”

The Tribunal was also referred to a letter dated 29 May 2008 from RD to the claimant stating:

“I refer to my letter of 16th May in relation to your absence from work.

I am still awaiting submission of Medical certificate regarding your absence and also your fitness to return to work.

Please advise the up-to-date position.”

Further questioned at the Tribunal hearing about 13 May 2008, the claimant said that he had been doing work but that he had been “run out the door”. Asked if he had ever been out on the truck, he replied: “No. The Polish did that.” He added that never before had he had a problem, complaint or grievance but that “it was from the time of the January 2008 letter that there was a big change”. Asked about other unionised employees, he said that the factory had been quiet and that people had got their P45 because there was no work for them.

The claimant told the Tribunal that he had been bullied, that “it all happened” after he had joined a trade union and that he had felt terrible on 13 May 2008. He said that he had got the respondent’s grievance procedure but that he had not raised a problem. He had told F that he could do units but not up on the bench. He had been treated aggressively on the day when he was told to do the work on the bench. He went to work at 8.00 a.m. and did not get time to put on his shoes before being “hassled”. Asked about his timekeeping, he said that it had been good.

The claimant confirmed that he had been a general handyman for the respondent, that he had repaired furniture when the respondent wanted and had got machines ready for work when needed.

The claimant told the Tribunal that he had handed his “sick cert” to F and that he was not sure when he had done this but he said that it could have been a month or two after 11 December 2007 when he had got it. F had given it back to him saying that the claimant only did light work. The claimant had told RD in 2007 that he had a bad back and could not lift the units up on to the bench. F had

known that the claimant had a grievance. The respondent knew who was in the union because the respondent had got a letter in all their names about a pay increase.

Asked about the fact that he was not represented by the union at the Tribunal hearing, the claimant said that he did not get a representative from the union because he “kind of went away from the union” and he “did not pay up”. He said that he had been with the union but that he thought his job had been “ruined” by his joining a union and that this was why he had gone to a solicitor.

The claimant said that he could not believe that the respondent had “sacked” him with terrible language and was subsequently asking him to go back. That had never happened before. He did not believe that RD wanted him back or that there was any work for him there. RD had been very abusive to him on the day of the dismissal. He said that the two Poles were gone from the company but that F and JOD, who both still worked for the respondent, were present to testify for the Tribunal.

Regarding loss, the claimant said that he had found no work since 13 May 2008 although he had tried for jobs. He said that he was doing part-time work on Friday and Saturday nights in a taxi. He had started this in 2002. There were now much more taxis than before. He was still driving a taxi at weekends but could not get work during the week.

Giving sworn testimony, F (the claimant’s abovementioned foreman) said that he had been nineteen years with the respondent. He had worked cutting steel for years but RD gave him the chance to do more. F began to supervise staff and give work to the “guys” on the (factory) floor.

F said that he had known the claimant since F started. He was the claimant’s supervisor for ten years. He gave tasks to the claimant. F went through the orders and was trusted to give jobs to the “guys”. F would go through everything with RD before his holidays.

F stated that he was not in the union. He was not asked (to join) by the “lads”. He felt that they did not trust him and that they thought that he would go to RD “with everything”.

Continuing his testimony to the Tribunal, F said that RD once told him to get out of the factory. Somebody was cutting timber for himself for a kitchen. It had never been a problem before. RD ran him (F) off the premises and took the keys back from him. F got called back and was asked what the “fu**” he was doing. After that, they “sorted” the situation and continued. Eight months after this, RD’s brother asked F to do something that RD did not want F to do. RD said just to work for him (RD) and not for anyone else.

F told the Tribunal that he was handed a medical certificate a couple of months prior to the end of the claimant’s employment. F thought that he had been given the said certificate in mid-February 2008 whereupon he had asked for an up-to-date one. The claimant had said that he could only do light work. F told the Tribunal that the claimant never really had heavy work to do and that F would help him if he did. Asked if he had told RD, F said that he had not done so.

F stated that he had been told to get the claimant to use a bench to do his work and that he (F) had said that they would try to get them (units) up on benches.

Asked if he had been shouted at, F said that he had had incidents when RD had shouted but that he (F) was used to it.

Asked if he had been present on the thirteenth (of May 2008), F said that he had been present and that the claimant had said that he could not go (on the truck) because he could not lift the units whereupon F had confirmed this but RD had not asked why the claimant could not assist. F was in the office. He heard “roaring and shouting” in the dispatch area. RD shouted at the claimant. RD was abusive. F wanted to calm the situation down and suggested bringing the claimant to the office. RD ignored F and said (to the claimant): “Get the fu** out of my factory. You’re like the rest of them. You want fu**ing money.” F did not seem to be able to reason with RD. F went back to the office but saw RD walk the claimant to the door. F recalled RD walking the claimant out of the factory but did not get involved any more. RD just hurled abuse at the claimant to get off the premises. Specifically, RD had said (to the claimant) to “get the fu**” off the premises.

F told the Tribunal that, about two years earlier, he had handed the respondent’s grievance procedure to all employees including the claimant. The claimant had come to F about being followed and watched to which F had told the claimant to keep his head down and keep working.

It was put to F that RD would say to the Tribunal that he (RD) had not known what employees had been union members. F replied that he thought that RD had known “because union men got payrises and others did not”. F told the Tribunal: “There’s a lot I’m not told about. Union members seem to gloat when they get payrises.” Regarding payrises for others, F said that he had been told that it would be “looked into” but that it had not happened. F told the Tribunal: “I got a payrise. I don’t know why but I did.”

F said to the Tribunal that, in January (2008) before union membership in the respondent started, RD had told him: “If a union comes in I’m closing the door.”

Asked about the smoking incident, F said that he was in his office when RD had said (referring to the claimant and JOD): “They’re out the back smoking. Find them something to fu**ing do!”

Giving sworn testimony, JOD said that she had been working for the respondent for nine years. She had started on canteen and upholstery duties but she would often be on the floor putting units together. She had known the claimant for all of those nine years and described him as someone who was very quiet and shy, who would never be late, who would help anyone and who would do all that he would be asked to do. She believed that she knew the claimant as well as she knew all others there.

Describing the abovementioned smoking incident, JOD said that she had been “out back” smoking a cigarette about four weeks previous to 13 May 2008. The factory was quiet then. When it was quiet she would pick up a sweeping brush. They would clear and sweep up when it was quiet. The claimant would take the rubbish out. If F asked them to do something they would do it. RD came out and asked what the claimant was doing. RD accused the claimant of having a cigarette and said that he did not pay anyone to stop work. The claimant said that he did not smoke. RD told him to “get the fu** in”. Because the claimant did not smoke F just told JOD not to smoke again. The claimant had not been doing anything wrong. F would be there all the time.

JOD confirmed to the Tribunal that she had been at the respondent’s premises on the last occasion

regarding the claimant (i.e. 13 May 2008). The claimant was doing pedestals. F came over and said that the claimant was wanted (for a delivery). F went to RD and said that the claimant could not go. RD then went to the claimant who confirmed that he could not go. RD went to ask F for the claimant's sick note. F had given it back to the claimant. The claimant showed RD the note.

Confirming to the Tribunal that she had been present, JOD said that RD saw the medical note and said that it was months out of date. RD asked the claimant to go out on the delivery lorry. The claimant replied that he could not do so because of his back and the note referred to light work. RD told the claimant that the respondent did not have any light work. The claimant referred to the screens that he had been doing for the last ten years. RD said that there were no screens left. The claimant said that he had been doing fifty pedestals. RD asked him to leave them and to go on the lorry.

JOD told the Tribunal that the (furniture) units were huge. The situation was getting heated. The claimant repeated that he could not go on the lorry because of his back. RD said that he wanted the claimant to leave the pedestals and that there was "no f**king work there". RD was roaring at the claimant that there was no work. F asked RD to bring the claimant into the office to speak to him privately. F was ignored. The claimant said that he wanted to get his jumper and shoes because he had been told to go and "get the f**k out of the factory". The claimant went in and got his things. RD followed him in. The claimant told RD to stop roaring at him and said that RD had bullied him about allegedly smoking.

RD told the claimant: "You're like the f**king rest of them!" The claimant said: "Stop roaring at me!" The claimant came out, said that he was going home and that he had been told that there was no work. RD walked him out the door.

JOD stated to the Tribunal: that she had not heard any request by RD that the claimant get a medical certificate; that they all knew that the claimant could prove that he was sick and that was why the claimant got light work. "The whole floor" knew that the claimant could not lift screens.

JOD said of the claimant: "He had to go. He had no choice. It's a pity it came to that. Anything can get heated but this got abusive. It should never have happened." JOD said that RD "is a fantastic boss", that "we have a recession", that "anyone can get hotheaded" but that this "should never have happened". JOD told the Tribunal that the claimant did not say: "Go on! Sack me!" She said of the claimant: "He does not speak like that. He has a mortgage. He does not want to lose his job."

JOD told the Tribunal that "the boys" had told the claimant that he would lose his job for being in a union. She added there had been ten or twelve "union men" but that they were now all gone and that they had not been replaced.

Giving sworn testimony, RD said that the respondent was a furniture business which made and distributed furniture for offices and schools and that it had been in business for forty years supplying to twenty-six counties. RD said that, as one of two brothers behind the respondent, he was a director and the production manager. He said that the workforce was down to some eight in production and about six in administration.

Asked about the claimant's allegation that, after joining a union, he had had a manager come

straight over to him at about eight in the morning before he could even change his footwear, RD replied that this had been a fellow director and that he (RD) had not been involved.

Regarding the allegation that he had approached the claimant and asked him to make a work-change from trolley to bench, RD acknowledged that he had asked the claimant to use the bench and said that it would make the factory more efficient.

Asked about the abovementioned day when JOD had been smoking, RD said that he, the claimant, F (the abovementioned foreman) and JOD had been present when he had seen JOD smoking whereupon he had asked F why work could not be done and that "that was as far as it went". RD added that, as F was the foreman, he normally gave instructions to F.

RD told the Tribunal that he was very short-staffed on 13 May 2008 and so he himself had decided to drive a vehicle for the respondent. He needed people to help him. He asked F to approach the claimant to help him (RD) to load and deliver. However, F came back and said that the claimant could not do this kind of work. When RD went to the claimant, the claimant confirmed this. RD asked F what was the problem. F went to the claimant who produced a medical certificate which RD looked at and saw that it dated back to December 2007.

RD told the Tribunal that he had never previously been given this certification and that he had never known that the claimant had had a problem with his back.

Having been made aware that the claimant had a back problem, RD told the claimant to leave the respondent's premises and to get a medical certificate regarding his employment for the future. Asked at the Tribunal hearing why this had been important, RD replied that it would have been irresponsible of RD to have someone working for the respondent with a back problem and that he had told the claimant that he needed him to leave to go to a doctor immediately to get a certificate. RD said to the Tribunal: "I did not lay a hand on him. I just asked him to please leave." RD added that JOD had been at her bench, that there was "no way she could have heard the conversation" but that, when he had asked the claimant to leave, the claimant had gone to talk to her. RD stated to the Tribunal that he "asked him to please go and get his medical certificate".

Asked if the claimant had asked to be sacked, RD replied: "He said: "Am I sacked? Sack me! Sack me!" I said he wasn't sacked but to please go to his doctor and get a cert."

At this point in the Tribunal hearing, RD was referred to a copy of a letter from a doctor (ROF) dated 14 May 2008 regarding the claimant which contained the following:

"To whom it may concern,

This is to certify that this thirty nine year old man is suffering with back pain. He finds it difficult to lift. He has been allowed to work under the condition that he won't do any heavy lifting. He is quite capable of working except the fact that he is unable to lift.

He has suffered from this injury since '06, and he is making a good recovery. At this point in time he is not capable of heavy lifting. He will be unfit for work for at least ten days. I have prescribed him medication for same."

RD told the Tribunal: "I did not get that in the following days after the thirteenth of May."

It was put to RD that he had received a copy of this certificate enclosed with a letter dated 30 May 2008 to him from the claimant's solicitor but that he (RD) had by then already written to the claimant a letter dated 16 May 2008 which contained the following:

"I refer to the incident which occurred on Tuesday morning 13th May 2008, where you refused to carry out a legitimate request by your employer regarding delivery to one of our Customers.

I informed you that the Doctor's Certificate you provided was over six months old and asked you to go away and get an up-to-date Certificate certifying that you were either fit for work or giving medical reasons for your inability to do so.

I am still awaiting submission of this Certificate and must inform you that you cannot return to work until I receive same."

At the Tribunal hearing RD did not contest that the said letter had crossed in the post with a letter (also dated 16 May 2008) to him from the claimant's solicitor. The solicitor's letter alleged that the claimant had been dismissed on 13 May without any prior warning or notice (despite working for the respondent for the past twenty-two years) and that the claimant had been shouted at by RD to "get out". The solicitor's letter also alleged that the claimant had previously been subjected to a campaign of vilification, bullying, ridicule and harassment which had now resulted in him being treated for anxiety and panic attacks. It was alleged that this had culminated in the claimant's summary dismissal on 13 May 2008 when the claimant was physically run off the premises by RD, RD first having shouted at and abused him on the shopfloor in front of all his workmates.

The Tribunal was told that RD had replied to the claimant's solicitor by letter dated 19 May 2008 as follows:

"We refer to your letter of 16th inst. in relation to (the claimant) and wish to confirm that (the claimant) was not dismissed but told to go away and get an up-to-date Certificate relating to his fitness or otherwise to work.

Attached is a copy of letter sent to him on 16th in this regard to which we are awaiting his reply."

At this point in the Tribunal hearing, RD said to the Tribunal that there was no way that the claimant had ever been dismissed from the respondent and that the claimant's job was "always there for him".

The Tribunal was now referred to a letter dated 23 May 2008 from ROF (the claimant's abovementioned doctor) which contained the following:

"To whom it may concern,

This man was working in (the respondent) for twenty-three years. He alleges he was bullied and was thrown out of his job with a verbal assault.

He is working part-time now as a taxi driver which is really rehabilitation. I would recommend that he goes on some kind of Social Welfare benefit and be allowed to work for twenty hours on the Taxi. This would give him some self esteem.

At present he is on (named medication) for his depression. If he would be allowed to draw the money from social welfare and work for those hours it would be great therapeutic help for him.”

RD told the Tribunal that he had never bullied the claimant in all his time with the respondent though the claimant had been employed with RD for more than twenty-two years.

It was put to RD that the claimant had said that he had been given a grievance procedure by F (the abovementioned foreman) but that the claimant had not used it. RD replied that F had never told him that the claimant had had a problem about this.

When it was put to RD that F had said that he (F) had had problems and had ironed them out, RD agreed saying: “Things would normally be ironed out on the day..”

When it was put to RD that the claimant had mentioned (to the Tribunal) his membership of the union, RD replied: “I’d have no idea who was in the union. I was never aware of an issue with his membership of the union. I knew there was a union there but I did not know who was in it.”

Asked why he had not known who was in the union, RD replied: “If people had a problem about wages they would get together and ask the union. Once, we asked for names of people with a pay problem.”

Asked when this request had been made, RD said: “It would be some years ago.”

Addressing himself to the Tribunal, RD referred to the Labour Relations Commission and a particular trade union saying that an agreement had been reached for improved pay and conditions but that he had got no response when he had asked for a list of union members. RD added that the changes had applied to all employees “across the board” whether they were union members or not.

Asked to confirm if increases had been given to all employees, RD replied:

“Office staff were treated the same way. Management employees were looked after also. There was no discrimination. No way was he (the claimant) treated unfairly whether he’s in a union or not.”

It was put to RD that it had been said at the Tribunal hearing that all the union men were gone. He replied: “They were not singled out. We’ve had to make reductions and may have to make more. Business is dropping.”

The Tribunal was now referred to a letter dated 28 January 2008 from RD to the claimant which contained the following:

“The Company is implementing the wages increases agreed under the above agreement as follows:

1 st January 2007	3%
1 st July 2007	2%
1 st January 2008	2.5%

Your new rate of pay from 1st January 2008 is €10.99 per hour.

Your arrears of pay from 1/1/2007 to 21/1/2008 amounts to €547.96 and this will be paid to you over 4 weekly payments of €136.99 commencing week-ending 1st February 2008.”

RD confirmed to the Tribunal that this letter did not contain any reference to union membership and said that, prior to 13 May 2008, he had had no idea that the claimant had a back problem. RD told the Tribunal that, as of 13 May 2008, the claimant was still an employee of the respondent. RD stated to the Tribunal: “I asked him to please go away and get his medical cert.”

Determination:

Having carefully considered the evidence adduced, the Tribunal, preferring the evidence of the claimant and his witnesses, finds that the claimant was dismissed and that the said dismissal was unfair. In the circumstances of this case, the Tribunal finds that compensation is the appropriate redress to award. However, the Tribunal was not completely satisfied that the claimant did everything he could to mitigate his loss by seeking new employment. Therefore, the Tribunal deems it just and equitable in all the circumstance to award the claimant the sum of €10,000.00 in compensation under the Unfair Dismissals Acts, 1977 to 2007.

Regarding the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal was not satisfied that the claimant was available for work and actively seeking it for the first two weeks of his eight-week minimum notice period. Therefore, the Tribunal awards the claimant the sum of €2,557.86 (this amount being equivalent to six weeks’ gross pay at €426.31 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005. (This minimum notice award is in addition to the award made under the Unfair Dismissals Acts, 1977 to 2007).

Regarding the claim under the Organisation of Working Time Act, 1997, it was not prosecuted and the said claim is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

