

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee

CASE NO.
UD916/2009

Against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Hayes

Members: Mr E. Handley
Ms. E. Brezina

heard this claim at Dublin on 21st October 2009

Representation:

Claimant : In person

Respondent : Mr. Boyce Shubotham, William Fry, Solicitors,
Fitzwilton House, Wilton Place, Dublin 2

The determination of the Tribunal was as follows:

The respondent is a family-run jewellers with shops in Stillorgan and Grafton Street. It has operated in Stillorgan for some forty years and about three years ago opened a shop on Grafton Street. At that time the claimant was employed as a manager for the Grafton Street shop.

Business went well for the first year-and-a-half. However, by early 2008 it began to deteriorate. Between February 2008 and February 2009 there was a significant downturn in business. The directors determined during the course of 2008 to introduce various cost-saving measures. Such measures were introduced but without material impact. It was decided that more significant steps would be required. The directors considered a general reduction in wages but decided that the required reduction would have too great an impact on the staff. They also considered a reduction in the hours worked. This, however, would have left the staff spread too thinly to properly service the shop. Having ruled out those options, they felt that a redundancy was required. It was decided that the manager's position should be made redundant as the manager's functions could be most easily subsumed by others and it would also give the greatest saving.

The claimant was asked to a meeting on 28th January 2009 at which he was informed of the decision to dismiss him. He indicated that the situation had not been entirely unforeseen. He was paid in respect of his notice entitlement and was given a redundancy payment together with an ex

gratia payment in the amount of one week's wages.

The Tribunal accepts that there was a genuine redundancy situation and that the respondent acted as reasonably as it could. The Tribunal feels that the respondent might have dealt with the claimant in a more considerate manner, but not to say that the respondent acted unfairly.

The claimant suggested that he was being harassed so that he would leave the company and that redundancy was a fig leaf. The Tribunal does not accept this. No evidence was adduced by the claimant as would reasonably allow the Tribunal to make a finding in this regard.

In the circumstances, the claim under the Unfair Dismissals Acts, 1977 to 2007 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

