

**EMPLOYMENT APPEALS TRIBUNAL**

**CLAIM OF:**

**CASE NO.**

EMPLOYEE - claimant

MN484/09  
UD966/09

**Against**

EMPLOYER - respondent

**under**

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Mr M. Noone  
Mr S. Mackell

heard this claim at Naas on 3rd February 2010.

**Representation:**

Claimant: Mr Frank Taaffe, Francis B. Taaffe & Co, Solicitors, Edmund  
Rice Square, Athy, Co. Kildare

Respondent: Mr. Peter McKenna, McKenna Durcan, Solicitors, 66 Lower Leeson Street,  
Dublin 2  
Ms Kate Binchy, Byrne Moreau Connell, Harmony Court, Harmony Row, Dublin 2

The determination of the Tribunal was as follows:-

**Claimant's Case:**

The claimant gave evidence. She worked for the respondent for almost ten years. Initially she was employed as a housekeeper and was promoted to supervisor of housekeepers in 2007 and had eight staff reporting to her.

On 10<sup>th</sup> January 2009 she arrived at work at 9 am. As the function room had not been completely cleaned she assisted the night porter in this duty. This work pertained to the night porter. The Head Manager (SC) arrived at 10 am and began shouting and roaring at her. SC became abusive

nd called her stupid and thick. He refused to listen to what she had to say. He told her “to get the f...out of there”. She understood that her employment was terminated that day. She subsequently collected her belongings and left.

Some ten months earlier SC had told her to get out on a particular day. Another Manager spoke to her after this incident and said that SC did not mean it and to continue working.

On 19<sup>th</sup> January 2009 the claimant telephoned SC but was told he was not there. She sought her P45 at that time. She spoke to a Manager (CON). CON said she would not receive her P45 until she sent her letter of resignation. She never sent the company her letter of resignation.

The claimant received a letter dated 20<sup>th</sup> January 2009 from SC which stated that there seemed to be a misunderstanding and that she had not been sacked. SC asked if she could make arrangements to meet him. She did not contact SC, as she felt terrified after the altercation on 10<sup>th</sup> January 2009.

About a week later the claimant received her P45. She secured part-time work on 1<sup>st</sup> May 2009 and is still in employment.

Under cross-examination the claimant contended that she had only been disciplined once during her tenure and at that time it was not her fault. She was always punctual for work and even reported for work when she felt unwell. SC never shouted at her prior to her becoming supervisor.

The claimant told the Tribunal that she had received a contract of employment which she signed and gave back to the respondent. She was aware it contained a clause on grievance procedures. She was not furnished with a copy of the signed contract. She did not appeal the decision to dismiss her.

**Respondent’s Case:**

No evidence adduced.

**Determination:**

Based on the claimant’s uncontroverted evidence the Tribunal finds that the claimant was unfairly dismissed and awards her €3000.00 under the Unfair Dismissals Acts, 1977 to 2007. The Tribunal also awards the claimant €1840.00 being the equivalent of four weeks pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)