

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE –**claimant**

UD553/2009

against

EMPLOYER –**respondent**

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T O'Mahony

Members: Mr. J. Browne
Ms. E. Brezina

heard these claims at Killarney on 4 February 2010

Representation:

Claimant: Mr. Andrew McCarthy, Sectoral Organiser, SIPTU,
Connolly Hall, Upper Rock Street, Tralee, Co. Kerry

Respondent: Human Resource Director of the respondent

The determination of the Tribunal was as follows:

The claimant was employed from June 1986 in the respondent's operations in Kerry. The respondent supplies and fits tyres and performs other mechanical work on motor vehicles. From 1999 she was employed in the respondent's Killarney operations as receptionist/clerk. It is common case that the claimant was at all times a highly committed and competent employee. The respondent has 41 outlets across the country. Due to a downturn in business it became necessary for the respondent to implement a cost reduction programme that involved a reduction in staff numbers by both natural attrition and redundancy.

There were a total of seven employees in the Killarney branch: the branch manager, the supervisor, four mechanics and the claimant. The criterion used to select the candidate for redundancy was the level of technical ability possessed by the employees so as to enable them to carry out work on clients' vehicles. The claimant was the only one of the employees in the Killarney branch who did not possess the technical skills to work on client's vehicles. She had no interest in obtaining such skills.

The claimant, having been selected as the candidate for redundancy, was given eight weeks' notice

of redundancy on 7 January 2009 and left the employment on 5 March 2009.

Determination

The Tribunal is satisfied that a genuine redundancy situation existed in the respondent's Killarney branch. The Tribunal does not accept the claimant's submission that her selection was gender based. On the basis of its employees' technical skills the respondent selected the claimant as the candidate to be made redundant. The claimant was dismissed by reason of redundancy and as the selection criterion was both objective and fair, the claim under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)