

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE
- *claimant*

CASE NO.

UD1016/2008

Against

EMPLOYER
-*respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr. J. Goulding
Mr. J. Moore

heard this claim at Navan on the 1st February 2010

Representation:

Claimant: In Person

Respondent: No appearance or representation on behalf of

The determination of the Tribunal was as follows: -

Claimant's Case

The respondent is a haulage company where the claimant was employed to do the accounts, payroll and general office duties including all the banking. The claimant reported to the owner of the respondent but his son a driver, not an owner/manager with the respondent also undertook to give the claimant instruction. The respondent's son (PF) began verbally abusing the claimant on a regular basis attempting to assert his authority. This respondent's son had been behaving in this manner for years but the claimant did nothing about it, as he was the respondent's son. PF would ring the claimant regularly to abuse her and threaten to 'batter her.'

Around October/November 2007 the other person working in the office was due to go on Maternity leave. The claimant requested a replacement and suggested PF's daughter for the position. The claimant received a phone call to say PF's daughter (DF) was commencing employment the next day. DF had problems in her previous employment and the claimant had helped her to sort the problems out, that's why the claimant suggested her for the position.

On a regular basis the claimant dropped and collected DF from lunch at her grannies house. On one of these trips the claimant suggested that DF should refrain from making so many personal calls during office hours and should look busy when the respondent was in the office. Following this conversation the claimant received an abusive phone call from PF asking her what she had done to have his daughter 'balling her eyes out.' The claimant was unaware there was a problem. PF told his daughter she had a problem taking instruction and when the claimant met with PF later she had expected an apology.

On the 4th of April DF arrived in the office at 10.00am. The claimant put a note on DF's time card to adjust the wages to account for the late arrival; standard practice within the respondent. DF took it upon herself to change a note the claimant left on another member of staff's time card without instruction from the claimant. DF also decided to leave a note on the claimants time card suggesting she only worked a half day when in reality she had left an hour earlier than normal with permission. The claimant informed DF that it was not within her duties to alter the time cards in relation to the payment of wages. DF called PF crying and informed him the claimant was 'at her again.' PF was on holidays at this time and phoned the claimant 'shouting and screaming' down the phone. The claimant attempted to tell him what had happened but he continued to abuse her.

DF approached the claimant, grabbed her arm and pushed her up against the wall verbally abusing her and then left the office. After this incident the claimant approached the respondent and informed him of the latest incident in the situation to which he replied, "*there's nothing I can do it's my son.*" The claimant informed the respondent she would not be returning to work after lunch or ever again.

Determination

The Tribunal is satisfied that the respondent was properly notified of this hearing. Neither they nor representatives on their behalf appeared for this case. Having considered the evidence from the claimant, the Tribunal finds that the claim under the Unfair Dismissals Acts, 1977 to 2007 succeeds. The Tribunal is satisfied that she should be paid compensation in the amount of €15,840.00 and makes an award for this amount under the terms of the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)