

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
Employee

CASE NO.
UD484/2009

against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. S. Behan BL

Members: Mr. D. Hegarty
Mr. D. McEvoy

heard this claim at Cork on 27th January 2010

Representation:

Claimant(s) :

Mr. Conor Buckley, Kieran Buckley & Co., Solicitors, 11
Sheares Street, Cork

Respondent(s) :

Mr. Roger Morley, W. St. Clair Rice & Co., Solicitors, Law
Chambers, 103 Main Street, Midleton, Co. Cork

The determination of the Tribunal was as follows:-

The claimant alleged to the Tribunal that, after commencing employment (as an office administrator/manager) with the respondent in mid-August 2008, she had been dismissed in late November 2008 for pregnancy-related reasons.

The respondent contended that the claimant's employment had been terminated due to a downturn in business and that there had not been enough work to retain the claimant's post.

The claimant's representative stated that the respondent's defence was disputed, that the claimant had not obtained work since her fourteen weeks' service with the respondent and that the claimant had had to go back to a previous employer for one week to have enough stamps to get benefits.

It was agreed between the representatives that the claimant's gross weekly pay with the respondent

had been €400.00.

Determination:

The Tribunal, having heard sworn testimony, noted that, although the claimant had been taken on during a downturn, the respondent made the case that no-one had been taken on after what the claimant believed to have been a very abrupt decision to end her employment.

The claimant felt aggrieved that the respondent had opted for complete termination after her return from a holiday rather than appearing to wish to explore options such as a cut in the claimant's working hours or working days.

The Tribunal questioned the respondent as to whether particular contracts had been wholly lost or had just become less profitable. The Tribunal did not hear from the person who the respondent's witness (GM) said had actually taken the decision to end the claimant's employment. Two leading figures within the respondent company did not attend the hearing to afford the Tribunal the opportunity to hear testimony from them.

The claimant was employed in the context of an economic downturn. However, no new factor was identified by the respondent which led to a sudden decision to end the claimant's employment.

Allowing the claim under the Unfair Dismissals Acts, 1977 to 2007, on the grounds that the termination of the claimant's employment was wholly or mainly due to her pregnancy, the Tribunal unanimously deems it just and equitable in all the circumstances of this case to award the claimant the sum of €7,000.00 (seven thousand euro) as compensation under the said legislation.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)