

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE
– Claimant

CASE NO.
UD1749/2009

against

EMPLOYER
– Respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Browne
Mr F. Dorgan

heard this claim in Waterford on 30th March 2011

Representation:

Claimant: Nolan Farrell & Goff, Solicitors, Newtown, Waterford

Respondent: Ms. Jennifer Cashman, Ronan Daly Jermyn, Solicitors, 12 South Mall, Cork

The determination of the Tribunal was as follows: -

The Claimant worked as a sales manager for the respondent, which operates a radio station, from May 2006. The positions of two employees had been declared redundant in 2007 and another one in 2008. Seven staff worked in the sales department. His role as sales manager was to look after the larger clients. Some 10% - 15% of his time was spent on administration. He was involved in one to one mentoring, going through sales plans and was on the road for two days a week.

In 2009 there was a financial crisis within the respondent. At a meeting between the CEO and the team managers on the 29th January 2009, CEO stated that every job was up for consideration including those of the managers. The managers were requested to come up with cost saving ideas. The claimant made a proposal to make two members of his team redundant as part of the cost saving restructuring.

Having reviewed each role, it was decided that the least impact on the company would be to make

the role of sales manager redundant. On the morning of the 6th February the claimant was asked to meet with CEO. He was informed that he was being made redundant as part of the restructuring. He told CEO he would get legal advice and that he should have been offered an alternative position. He was given his notification of redundancy and as tensions were running high, he was not asked to sign the forms there and then. She later left a message for the claimant that an RP50 and a discharge agreement were left at reception for him to collect. She sent the claimant a letter discussing the meeting and said that he should consider its contents and to take legal advice if he wished.

The claimant was replaced by a colleague (MC), who was given a new job title Head of Sales. He felt that he had become too expensive to the company.

Determination

The Tribunal have carefully considered the sworn evidence and submissions given by both parties and their representatives in this case. The Tribunal finds that the position of sales manager was restructured to allow Ms C to do the claimant's job. The position was not made redundant

The Tribunal award the sum of € 20,000 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)