

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE -*Claimant*

CASE NO.
UD339/2010

EMPLOYEE -*Claimant*

UD340/2010

against
EMPLOYER - *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. E. Kearney BL

Members: Mr J. Browne
Ms S. Kelly

heard this claim at Abbeyleix on 30th August 2011

Representation:

Claimant(s) : Mr Niall Phillips, Siptu, 3 Peppars Court, Portlaoise,
Co. Laois

Respondent(s) : Ms. Maeve McElwee, IBEC, Confederation House, 84/86 Lower
Baggot Street, Dublin 2

Background

The Tribunal was informed by the respondent's representative at the commencement of the hearing that both claimants had signed a disclaimer document in which they accepted payments in a full and final settlement of all rights, claims and entitlements that they have, or may have had arising as a result of their employment, or the cessation of their employment with the respondent. The Tribunal heard evidence that the document was explained to the claimants. The claimants were then given the opportunity to study the document and seek independent advice prior to signing the document. Both claimants gave evidence that they sought advice from their trade union official prior to signing the document and they freely signed the document after receiving the advice.

Determination

The Tribunal finds that the claims under the Unfair Dismissals Acts 1977 to 2007 fail. The Tribunal notes that both claimants were afforded the opportunity of seeking independent advice prior to signing the disclaimer document. The claimants received this independent advice from their trade

union official and the Tribunal find that the respondent is entitled to rely on this signed disclaimer which was freely signed by the claimants. Any claim that the claimants may have had under the Unfair Dismissals Acts was settled by their acceptance of the disclaimer.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

