

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

(*claimant*)

CASE NO.
UD875/2010

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
Ms S. Kelly

heard this claim at Wexford on 16th November 2011

Representation:

Claimant(s) :

Hamilton Turner, Solicitors, 66 Dame Street, Dublin 2

Respondent(s) :

In person

The determination of the Tribunal was as follows:

Summary of evidence

The Party came before the Tribunal claiming that she had been Unfairly Dismissed from her position with the Respondent having been unfairly selected for redundancy and due consideration having not been given to her redeployment. The Respondent's position was that the Claimant's role had been made redundant and that she had received and cashed her redundancy cheque.

BW the principal witness for the Respondent Society explained to the Tribunal that, due to the economic downturn and a significant financial irregularity within the Society, there had been a significant reduction in members paying their 'dues' not least in the Wexford Area where the Claimant worked. The witness was anxious to clarify to the Tribunal that the Claimant had been a very good worker and had nothing whatsoever to do with the financial irregularities which were discovered.

Of the eight employees in the Society, four were made redundant in late 2009 to include the Claimant and another three in 2010 leaving the witness BW as the sole employee.

JW the last employee to be made redundant in 2010 confirmed the factual situation as explained to the Tribunal by BW.

The Claimant in her evidence acknowledged that there had been a significant downturn but felt that increasing her geographical area of operation to include a number of Counties previously serviced by another party who had retired might have enabled her to keep her job which had been reduced to a two day week since October 2008.

Determination

Having considered the totality of the evidence, the Tribunal is of the opinion that the Claimant's role was made redundant, that the selection process was fair and reasonable and that the Respondent was not in a position to redeploy the Claimant elsewhere in its organisation. In the circumstances, the claim of unfair dismissal is rejected.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)