

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE - *Claimant*

UD757/2010

against the recommendation of the Rights Commissioner in the case of:

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 M. Carr
Mr O. Nulty

heard this appeal at Drogheda on 11th October 2011

Representation:

Appellant(s) : Mr. Richard Grogan, Richard Grogan & Associates,
Solicitors, 16 & 17 College Green, Dublin 2

Respondent(s) : Mr Tiernan Doherty, IBEC, Confederation House,
84/86 Lower Baggot Street, Dublin 2

This case came before the Tribunal by way of an employee appealing against the recommendation of a Rights Commissioner under the Unfair Dismissals Acts, 1977 – 2007.
Ref. R-079691– UD-09/JW

Claimants Case

The claimant gave evidence of commencing employment with the respondent a web printing company on the 6th May 2008. She worked as a general operative in the finishing department. On the 11th March 2009 she informed her employer that she was pregnant. The claimant stated that she was dismissed on the 27th March 2009 and was told by the manager that it was due to a downturn in the business she was being made redundant. She told the tribunal that at the time a

new employee commenced in the finishing department and that her dismissal was pregnancy related.

Respondents Case

The Financial Director of the respondent company MB gave evidence of the company loosing some of its largest clients around that period and having a number of meetings to discuss cost savings in order to secure the support of the bank. A number of measures were taken to cut costs including pay cuts and during 2009 up to 15 employees were made redundant. The Tribunal were told that a last in first out policy for redundancy existed within the company.

Determination

The Tribunal considered evidence in this matter and found that while the selection for redundancy occurred shortly after the claimant officially notified the employer of her pregnancy other employees were also selected for redundancy around that time.

On the balance of probability therefore the Tribunal decided that the claimant was fairly selected for redundancy being the last in. The other employee raised in evidence by the claimant was capable of doing other work for which the claimant was not trained. Therefore the Tribunal confirm the decision of the Rights Commissioner and find the claimant was not unfairly dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)