

## EMPLOYMENT APPEALS TRIBUNAL

**CLAIM OF:**

**CASE NO.**

EMPLOYEE

UD800/10

- claimant

**against**

EMPLOYER

- respondent

**under**

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr C. Corcoran B.L.

Members: Mr J. Horan  
Ms M. Mulcahy

heard this claim at Naas on 1st November 2011 and 5th January 2012

#### **Representation:**

Claimant: Mr. Brendan Archbold, 12 Alden Drive, Sutton, Dublin 13

Respondent: No appearance by or on behalf of the respondent.

The determination of the Tribunal was as follows:-

#### **Preliminary Issue:**

The Tribunal is satisfied that the claimant has the requisite service as prescribed in the Unfair Dismissals Acts, 1977 to 2007 to take a claim, accordingly the Tribunal has jurisdiction to hear this case.

#### **Claimant's Case:**

The claimant is a hairdresser and worked in a hairdressing salon in Newbridge. She commenced employment on 22nd February 2009 and was recruited by the respondent's husband. Initially she worked a four day week and was paid €95.00 per day and then moved to a five day week.

She never received a contract of employment, grievance procedures or dignity at work document policy. She was paid in cash and never received any payslips. Regularly she attempted to raise issues with the respondent but to no avail.

She subsequently transferred to the respondent's salon in Naas. Her manager raised issues with her there. She cleaned the windows with tissues and was told to use newspapers instead. On one occasion an envelope was opened in the salon in the claimant's absence. She was off that day but her manager raised that issue with her. Subsequently, her working week was reduced from a five day week to a three day week and her wages were reduced to €70.00 per day.

On 25<sup>th</sup> February 2010 the claimant contended that she had no alternative but to tender her resignation. In October 2010 she secured work and this ceased in early December 2010. She subsequently commenced employment in May 2011 and works a three day week.

**Respondent's Case:**

No evidence adduced.

**Determination:**

The Tribunal is satisfied that the respondent was duly notified of the hearing. Neither the respondent nor a representative on their behalf appeared at the hearing.

The claimant was placed in an impossible position and despite strenuous efforts to clarify issues she had raised; having received no response from her employer was left with no alternative but to tender her resignation. The Tribunal notes that the claimant did not have a contract of employment and that she had never received disciplinary or grievance procedures.

The Tribunal finds that the claimant was left with no alternative but to terminate her employment and awards her €12,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)