

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

UD1949/2010

claimant

Against

EMPLOYER
under

respondent

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr M. Carr
Mr G. Whyte

heard this claim at Dublin on 30th January 2012

Representation:

Claimant(s): The claimant in person

Respondent(s): The MD of the respondent

The determination of the Tribunal was as follows:-

Determination

The claimant was made redundant on the 4th March 2010. Some weeks/months later some of his fellow employees were re-employed and he alleges that this was unfair to him.

It is quite clear that the claimant was dismissed by reason of redundancy. Section 6 (4) of the Unfair Dismissals Acts 1977 states

(4) "Without prejudice to the generality of subsection (1) of this section, the dismissal of an employee shall be deemed, for the purposes of this Act, not to be an unfair dismissal, if it results wholly or mainly from one or more of the following:

- (a) the capability, competence or qualifications of the employee for performing work of the kind which he was employed by the employer to do,
- (b) the conduct of the employee,

- (c) the redundancy of the employee, and
- (d) the employee being unable to work or continue to work in the position which he held without contravention (by him or by his employer) of a duty or restriction imposed by or under any statute or instrument made under statute”.

In reality his complaint is not that he was unfairly dismissed but that he was not re-employed.

The claim fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

