

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.
UD295/2010

EMPLOYER *-appellant*
PW33/2010

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

EMPLOYEE

-v-

EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
PAYMENT OF WAGES ACT, 1991**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL
Members: Mr J. Goulding
Ms E. Brezina

heard this appeal at Naas on 5th May 2011

Representation:

Appellant: Ms Bernadette Treanor, Beo Solutions, 1 Arran Court,
Newry Road, Dundalk, Co Louth

Respondent: Ms Alison Cox, CIC Office, Allenwood Enterprise
Park, Allenwood, Naas, Co Kildare

This case is before the Tribunal by way of an employer appealing a Recommendation of a Rights Commissioner ref: r-080213-ud-09/JW and an appeal of the Decision of a Rights Commissioner ref: r-080214-pw-09/JW.

The employer in this case is the appellant and the employee is the respondent.

The employer told the Tribunal that the employee worked for him for over three years. He had confidence in the respondent work for three years but then his work deteriorated. The employee's attitude and mood changed.

On a routine inspection he noticed oil leaking from a vehicle. He asked the employee about it and he said that it would be all right. He told the employee that the work would have to be

done again. He told him that it was not acceptable. The employer explained to the Tribunal that he could have lost a good customer. The damage could have resulted in having to replace the engine.

The employee told the Tribunal that he never had any problems with the employer. the employer had become ill at one time and after that he carried out the employers duties. His employer trusted him.

He went on his Christmas holidays and on his return his employer told him that he had to let him go because of insurance reasons and because of his lack of qualifications. His employer told him that if he was to reconsider employing him again he would have to register with Fás.

He had asked his employer to register him with Fás but his employer told him that it was not his way to do things.

Determination:

The Tribunal determines that no procedures were followed by the employer. The employee was not given a verbal or written warning. The Tribunal varies the Recommendation ref: r-080213-ud-09/JW under the Unfair Dismissals Acts 1977 to 2007 and awards the employee the sum of €7,000.00.

The appeal under the Payments of Wages Act 1991 was withdrawn.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

