

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:  
EMPLOYEE – *claimant*

CASE NO.  
UD1571/2010

against

EMPLOYER – *respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms M. Levey BL  
Members: Mr D. Moore  
Mr J. Dorney

heard this claim in Dublin on 28<sup>th</sup> May 2012

#### **Representation**

Claimant: Mr Brian Dolan of Hamilton Turner Solicitors,  
66 Dame Street, Dublin 2

Respondent: In person

The determination of the Tribunal is as follows:

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

The claimant gave evidence. He worked as a general operative in the printing department. He got paper and cleaned the machines. He had more service than the general operative who was retained when he was made redundant. The claimant was not shown the matrix and he was not asked if he would transfer to another department.

#### **Respondent's Case**

The former company secretary gave evidence. His day to day job was financial controller. The company was under the control of an examiner. Redundancies were required to cut costs in an adverse trading environment. When the period of examination ended the company went into receivership.

The selection matrix was drawn up by the operations manager together with the MD and the HR officer. The operations manager did not fill in the matrix in isolation. He worked with the others. The examiner was consulted and the matrix was submitted to him.

The company did go through a process and did consult with the union. The union advised those made redundant not to complain but to sue.

**Determination**

The Tribunal carefully considered the evidence adduced. The Tribunal finds that the process used to terminate the claimant's employment was unfair. The consultation process was inadequate and the claimant was not informed that he had a right of appeal. However the claimant's union had the opportunity to engage with the process but chose not to.

The claim under the Unfair Dismissals Acts 1977 to 2007 succeeds and the claimant is awarded the sum of €1730.80.

Sealed with the Seal of the  
Employment Appeals Tribunal

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