

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE – *claimant*

CASE NO.
UD1569/2010

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 28th 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 was called into the office and told he was being made redundant. He was not shown the matrix used to select him for redundancy.

At an earlier time the claimant had asked the operations manager for training. The operations manager made a note of his request but nothing came of it. There were arguments concerning the rates of pay for operating some of the machines. The company shut down one machine and left it lying idle when the workers would not accept a man power cut.

The claimant is a web printer. A web printer is paid more than a sheet printer. When the company brought in new machines he requested training. However the claimant did not get on well with the operations manager and the operations manager allocated training. The operations manager's friends were trained.

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 €4427.80.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)