

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:  
EMPLOYEE

- *claimant*

CASE NO.

UD445/2011

Against

EMPLOYER

- *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J. Revington S.C.

Members: Ms A. Gaule

Ms M. Finnerty

heard this claim at Dublin on 11th July 2012

Representation:

Claimant :

Mr John Curley, Northside Centre for the Unemployed, The  
Glin Centre, Glin Road, Coolock, Dublin 17

Respondent :

H.J. Ward & Company, Solicitors, 5 Greenmount House,  
Harold's Cross, Dublin 6w

**Determination**

The CEO (AG) of the respondent organisation gave evidence of the claimant being employed by the previous directors in June 2008 as a community coach. Although the organisation had a supervisor (MF) in employment the claimant's role included the supervising of participants in the community employment scheme (CE scheme) organised with FAS. The contract of employment was for one year but was renewed in June 2009. In 2010 following an examination by the board of the structure of the organisation and the appointment of AG as CEO it was decided to make the claimant redundant and pay him the sum of €2300. The decision was taken as the organisation had already got a supervisor (MF) for the CE scheme and although he was a good coach they could not afford the €21000 salary. Funding for this position was not available.

AG denied that MF did not have the coaching experience that the claimant had. He agreed the claimant was involved in the setting up and running of the schools programme but was of the

opinion that this should be run by another organisation. He denied the claimant was replaced and stated that a technical director was employed after the claimant was made redundant and this position was a completely different role. It was denied that the election of a new board and other internal issues within the organisation were the reasons for the claimant being made redundant.

The claimant (AMcD) outlined to the Tribunal his experience in the area of coaching and before commencing employment with the respondent worked as a volunteer with the organisation. With regard to his redundancy he believed it was brought on by internal issues within the organisation and not in any way relating to funding or financial difficulties. AG took over from MF as CEO and the relationship between himself and AG was described as poor. The claimant always obtained sufficient funding which covered his wages within the organisation and suggested a €1 per child fee which would generate €16000 to cover the running of the schools programme but this was not considered. His redundancy followed when he challenged the CEO and others for laughing at the honorary president.

He later discovered that a replacement was lined up when he became aware of communications between the organisation and a club associated with the organisation.

Having considered the evidence adduced by both parties on balance the Tribunal find the claimant was unfairly dismissed. The Tribunal consider the more probable reason for the dismissal was the internal political reasons outlined in evidence rather than financial pressures within the organisation and consequently the dismissal was unfair.

In all the circumstances of the case the Tribunal awards the claimant €8000 under the Unfair Dismissals Acts, 1977 to 2007 and have taken into consideration redundancy paid to the claimant.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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