

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE – *claimant*

CASE NO.
UD1718/2010

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 had worked for eleven and a half years as a lithographic printer. About a week before he was let go he heard that there would be redundancies. On the Friday he was called into the office and just told to go more or less now. He was told he was the last man in but he did not believe it.

No alternatives to redundancy were discussed. He was not shown the matrix used to score the print department employees and so decide who would be made redundant. The claimant is a qualified printer and could be trained in house to use any of the respondent's machines. He was not told that he could appeal the decision to make him redundant.

Respondent's Case

The 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. 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 €2849.68.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)