

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE -*Claimant*

CASE NO.
UD412/2010
RP608/2010

MN382/2010

against

EMPLOYER -*Respondent A*

EMPLOYER -*Respondent B*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr D. Moore
 Mr J. Flannery

heard this claim at Dublin on 14th May 2012

Representation:

Claimant: Doyle Hanlon, Solicitors, 44 Belvedere Place, Mountjoy Square, Dublin 1

Respondents: No appearance or representation on behalf of the respondents.

The determination of the Tribunal was as follows:

This being a claim of constructive dismissal it fell to the claimant to make her case.

It was the claimant's evidence that she was employed by respondent A as a secretary. Since the termination of her employment the claimant has cause to believe that her employment may have transferred to respondent B, however the claimant was not informed of any such transfer during her employment.

It was the claimant's evidence that the employment relationship became strained from September 2009; the reasons for this were outlined to the Tribunal. Then on the 16th

December 2009 the claimant received a request from one of the directors asking her to babysit for a client. The claimant told the director that she had no experience with children and she feared something would happen and it would be her fault. She also told the director that it was not part of her duties as a secretary. The director began to shout and scream at the claimant. He told the claimant that she had 15 minutes to think carefully about her answer and he then ran after her down a flight of stairs. The claimant had become upset at this point as she feared being hit by the director. The claimant gave evidence of loss and efforts to mitigate that loss.

Determination:

Based on the claimant's uncontested evidence the Tribunal is satisfied that the claimant has discharged the burden placed upon her by the Acts. The Tribunal awards the claimant the sum of €16,000 under the Unfair Dismissals Acts, 1977 to 2007. Accordingly, the claim under the Redundancy Payments Acts, 1967 to 2007, fails, the two being mutually exclusive. The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, fails as the claimant resigned from her employment.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)