

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.
UD2219/2011

EMPLOYEE

appellant

against the recommendation of the Rights Commissioner in the case of:

EMPLOYEE

appellant

and

EMPLOYER

respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.

Members: Ms A. Gaule
Mr. S. O'Donnell

heard this appeal at Dublin on 28th September 2012

Representation:

Appellant(s): Mr. Pdraig Murphy, Solicitor, 54 South William Street,
Dublin 2

Respondent(s): No attendance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

This case came before the Tribunal by way of an employee appealing the recommendation of the Rights Commissioner reference no. r-1026-ud-10/MMG

Appellant's Case

The appellant told the Tribunal that in February 2009 she commenced work with the respondent. She was manager in the shop and undertook various duties including ordering and lodgements. She was not given a contract of employment. She worked from 7a.m. until 11.30p.m. for which she received €450.00 per week. Some weeks she did not receive her wages. Her employer owed her €4,000 and he told her that he would give it to her.

She was absent from work through illness in early March 2010 and the employer told her that she did not need to come to work. She was replaced and she took it that the respondent did not want her anymore. She was unemployed for a year and she obtained alternative employment in March 2011.

Determination

The Tribunal has carefully considered the evidence adduced. The Tribunal is perfectly satisfied that the appellant was constructively dismissed by reason of the behaviour of her unscrupulous and unreasonable employer. The Tribunal awards the claimant compensation of €17,000.00 under the Unfair Dismissals Acts, 1977 to 2007. She succeeds in her appeal, therefore upsetting the recommendation of the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

