

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

UD641/2011

against  
EMPLOYER

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. F. Crawford B.L.

Members: Ms. J. Winters  
Mr. G. Whyte

heard this claim at Dublin on 31st August 2012

Representation:

Claimant:

Ms Jennifer Murphy, Carley & Connellan, Solicitors,  
10 Anglesea Street, Dublin 2

Respondent:

No appearance by or on behalf of the respondent

**There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that they were properly notified of the hearing.**

#### **Claimant's case**

The claimant commenced employment with the respondent, as a Beauty Therapist, on 10<sup>th</sup> March 2010 and was dismissed on 10<sup>th</sup> November 2010. The reason given to the claimant for her dismissal was that there was a reduction in business. However, at least one other employee had less service than the claimant and another person was taken on shortly after the claimant was dismissed.

The respondent was aware that the claimant was pregnant prior to her dismissal. The claimant informed the respondent that she would not be able to carry out standard massages while she was pregnant and provided medical opinion in regard to this.

However, the claimant requested training in Facial Therapy but this was denied to her on the grounds that there was no point in her doing further training while she was pregnant. It was this lack of training that led to the claimant being less productive than other employees

consequently dismissed. Therefore the claimant contended that she was dismissed because she was pregnant. At the time of her dismissal the claimant was earning €230.00 per week.

**Determination**

Having considered the uncontested evidence of the claimant the Tribunal finds that she was unfairly dismissed as a direct result of her being pregnant. The Tribunal awards the claimant €4,140.00 under the Unfair Dismissals Acts, 1977 to 2007

Sealed with the Seal of the  
Employment Appeals Tribunal

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