

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:

CASE NO.

EMPLOYEE

UD1847/2010  
RP2484/2010

against  
EMPLOYER

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. L. Ó Catháin  
Members: Mr. J. Hennessy  
Ms. S. Kelly

heard this claim at Waterford on 23rd May 2012 and 10th July 2012

Representation:

Claimant:

Hamilton Turner, Solicitors, 66 Dame Street, Dublin 2

Respondent:

Mr John Farrell, IBEC, South East Regional Director,  
Confederation House, Waterford Business Park, Cork Road, Waterford

**The claimant withdrew his appeal under the Redundancy Payment Acts, 1967 to 2007.**

**Respondent's case:**

The respondent is a printing company and the claimant was employed there from 21<sup>st</sup> March 1983 until he was made redundant on 11<sup>th</sup> June 2010.

There were two distinct functions within the company. One was “pre-press” and the other was “art work”. The claimant was engaged in art work and this side of the business was no longer profitable. Therefore the respondent ceased carrying out this function and the claimant’s job became redundant. The respondent did not consider that the claimant had the necessary skills to perform the tasks required for pre-press and therefore did not offer him the opportunity to stay

with the company carrying out that job. There were some discussions with the claimant's union representative but as far as the witness for the respondent was concerned these were solely about how much of a redundancy payment the claimant would receive. At no time did the claimant or his union representative object to the claimant being made redundant.

**Claimant's case**

The claimant worked for the respondent for over 27 years and was familiar with all the software and processes used in the business. Software changed over the years but the claimant stayed abreast of these changes. Art-work was an integral part of pre-press and the claimant maintained that as such he should not have been made redundant but rather that he should have been kept on to carry out the other functions of pre-press. To come up-to-speed on the software used in the rest of pre-press would only have taken the claimant approximately one day.

Prior to the claimant being made redundant he was never offered any alternative to redundancy. The claimant's union representative told the Tribunal that the respondent was not willing to enter into meaningful discussions in relation to the redundancy and simply presented it as a *fait accompli*.

**Determination**

On the basis of the evidence adduced at the hearing the Tribunal could not be satisfied that there was no commonality between the functions of pre-press and those of art-work. Neither is the Tribunal satisfied that there was sufficient interaction between the parties prior to the claimant being made redundant.

Accordingly the Tribunal finds that the claimant was unfairly dismissed and awards him €7,500.00 under the Unfair Dismissals Acts, 1977 to 2007. This award is in addition to any amount already paid to the claimant in respect of a redundancy lump sum.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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