

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE *-claimant*

CASE NO.  
UD1173/2010

against

EMPLOYER *-respondent*

EMPLOYER *-respondent*

EMPLOYER *-respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr J. Hennessy  
Mr F. Dorgan

heard this claim at Kilkenny on 1st November 2012

#### **Representation:**

Claimant: Ms. Geraldine Malone, SIPTU, Membership Information & Support Centre,  
Liberty Hall, Dublin 1

Respondent: No appearance or representation on behalf of the respondent.

#### **Background:**

The claimant was employed by the respondent as a care assistant in January 1991. It was the claimant's uncontested evidence that she was dismissed by the respondent because she was an assistant shop steward and held union membership. The claimant received a P45 from the respondent while she was absent on sick leave. The claimant gave evidence pertaining to loss.

#### **Determination:**

Having considered the evidence adduced at the hearing the Tribunal finds that the claimant's employment with the respondent had been uneventful for most of the period in excess of 19 years that the respondent had employed the claimant and it was after the claimant had joined a union that the respondent became dissatisfied with the claimant. The Tribunal is satisfied that the claimant was dismissed as a result of her union membership. Accordingly, the claim under the Unfair Dismissals Acts, 1977 to 2007 succeeds and the Tribunal

awards the claimant compensation in the amount of €41,496.00

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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