

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.
UD509/2011

EMPLOYEE - *claimant*
against

EMPLOYER - *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.

Members: Mr. D. Morrison
Ms. R. Kerrigan

heard this claim at Letterkenny on 9th July 2012
and 27th September 2012

Representation:

Claimant(s) : Garry Clarke, Solicitors, Pearse Road, Letterkenny, Co Donegal

Respondent(s) : In Person

The determination of the Tribunal was as follows:-

This case was heard in conjunction with K46710 – UD509/2011

Respondent's Case:

The witness on behalf of the respondent gave evidence. He explained that there had been financial problems with the company and senior management had been replaced. Contracts had been lost to other companies. It was decided the company had to be restructured. All departments were reviewed and all staff were informed of the process being reviewed. The witness told the Tribunal that a full consultation took place with staff.

The Finance Department where the claimant (and her counterpart (CMcD)– ref.: K46710 – UD509/2011) had a skills set review which was set up a former colleague (the Finance Controller) . (This gentlemen is no longer working for the respondent and therefore unavailable to get sworn evidence to the Tribunal.)

This person scored the claimant and CMcD and decided that they had the lowest score and would be made redundant. Eight staff were made redundant.

Claimant's Case:

The claimant commenced employment in July 2007 in accounts. She told the Tribunal of her experience working in administration, accounts and payroll. A review was completed in 2008 and she was given a pay increase. Two of her colleagues were informed by the Finance Controller that there would be changes. One of these colleagues had 6 months longer service than she had. Other staff were hired after she had started. There was a Last In First Out (L.I.F.O.) provision in her contract but it was not used.

These employees had less service than herself and her colleague (CMcD). She and CMcD felt there was a lot of favouritism going on with certain employees and the Finance Controller.

A meeting was held on July 8th 2010, the staff voiced their concerns and the skills set matrix was discussed. They requested two Managers should score the review however it was decided, by staff vote, that the Finance Controller would score them. A second meeting was held on July 14th 2010.

The skills review was carried out and she had a meeting with the Finance Controller regarding her low scoring and her dissatisfaction of them. He said that he felt he had scored her fairly. She felt she did not receive very satisfactory answers. She was made redundant and was informed she could appeal the decision.

The claimant gave evidence of loss.

Determination:

The Tribunal have carefully considered the evidence adduced by both parties in this case. The Tribunal finds that the claimant was unfairly selected for redundancy and awards her the sum of € 29,875.00 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)