

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:

CASE NO.

EMPLOYEE

*Appellant*

UD2358/2011

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. M. Levey B.L.

Members: Mr. T. O'Sullivan  
Mr A. Butler

heard this appeal at Dublin on 11th March 2013

Representation:  
\_\_\_\_\_

Appellant(s): The appellant in person

Respondent(s) : General Manager of the respondent

This case came before the Tribunal by way of an employee appealing against the recommendation of the Rights Commissioner dated 19th October 2011 reference r-108477-ud-011/RG

The determination of the Tribunal was as follows:-

**Respondent's Case**

The general manager told the Tribunal he was appointed to this position in August 2010. He was instructed to keep the business operating and he made cost reductions in all departments. From August 2009 to March 2010 eleven employees were made redundant including the appellant. The appellant was employed as an accommodation manager but there was no position available for her. The general manager took on the role of rostering and he looks after

the day to day accommodation and the respondent does not have an accommodation manager. He could not make a junior member of staff redundant to facilitate the appellant. In the past twelve months business has improved. He hired a duty manager and this was a significantly different position to that of accommodation manager.

When the appellant was employed as an accommodation manager she undertook duties in housekeeping, bedrooms, and public areas. BC was duty manager and he was responsible for the hotel bar, food and night club. The position of duty manager was a more junior position with less pay.

BC the duty manager told the Tribunal that he was responsible to ensure the efficient running of the hotel bar and nightclub. He undertook some duties in accommodation but not on a regular basis. He had no reason to undertake the duties of accommodation manager and he undertook that role many years ago.

### **Appellant's Case**

The appellant told the Tribunal that she was employed initially with the respondent in 1998. A number of changes occurred in ownership and she received a redundancy payment in 2009. She was employed as an accommodation manager. Two supervisors were employed when she was made redundant. The respondent currently has two supervisors and eight accommodation assistants. The respondent has more staff employed now than when she was employed. During the months of January and February the hotel was not busy.

Six months after she was made redundant she was employed on a CE scheme for nineteen hours per week for which she receives €10.00 per hour.

### **Determination**

Having heard all the evidence in the case the Tribunal finds that the appellant's role was absorbed by the general manager and it is clear to the Tribunal that a genuine redundancy situation existed. The appeal under the Unfair Dismissals Acts, 1977 to 2007 fails and the Tribunal upholds the Recommendation of the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

