

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

CASE NO.
UD2129/2011

WT863/2011

Against

EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms M. Levey B.L.

Members: Mr P. Pierce
Mr T. Brady

heard this claim at Dublin on 27th March 2013

Representation:

Claimant:

Respondent: In person

The determination of the Tribunal was as follows:-

The claim under the Organisation of Working Time Act, 1997, was withdrawn at the outset of the hearing.

Respondent's case:

It was the respondent's case that the claimant began as a general operator/administrator. He was good at his job and his employment was largely uneventful until a contract came to an end in October 2011 and redundancies were made, the claimant being one of those made redundant. There was an altercation on site one day, a grievance meeting was held and apologies were made. At that meeting the claimant had a union representative with him and the fact that the contract coming to an end was discussed. It was the respondent's case that the altercation in no way contributed to the claimant being made redundant. Twenty five people plus the claimant were let go, the claimant was a good worker and the respondent would have no problem in hiring him again.

Claimant's case:

The claimant gave evidence of the altercation with another employee who no longer works for the

respondent. He attended the grievance meeting with his union representative. At the meeting he was told that there was a chance he would be let go, he was shocked. He was handed a letter with notice like all other employees, he thought he had seniority and would have gone to work anywhere for the respondent. He also stated that he knew of labourers who were kept on after he was let go.

Determination:

Having considered all of the evidence adduced the Tribunal is of the view that the dismissal was not unfair and a redundancy situation existed. The claimant was informed about the possibility of redundancy at his grievance meeting with the company's senior managers. While the timing of the announcement was unfortunate, the Tribunal is of the view that the grievance had no bearing on the decision to make the claimant redundant. The claimant in evidence acknowledged that he knew about the possibility of redundancy prior to his grievance and was accompanied by his union representative at the meeting. A large number of employees were made redundant at this time and if there was anything untoward about his subsequent redundancy his trade union would have raised the issue. Accordingly, the appeal under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

