

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE,

CASE NO.
UD147/2012

against

EMPLOYER
under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. F. Crawford BL

Members: Mr. J. Reid
Mr. C. Ryan

heard this case in Dublin on 17 May 2013

Representation:

Claimant(s):

Respondent(s):

The determination of the Tribunal was as follows:-

An unfair dismissal claim was lodged with the Tribunal subsequent to the dismissal of a childcare worker whose employment with a crèche was from August 2008 to July 2011.

Giving sworn testimony at the Tribunal hearing, the claimant said that she had been called to the crèche office where her boss (SP) had got aggressive and had dismissed her. The claimant believed that this was really because the claimant had not been willing to sign a statement against another employee (SC) who was pursuing a claim against the crèche.

Regarding loss incurred and her efforts to mitigate that loss, the claimant said that (after doing voluntary crèche work) she had found new employment from August 2011 where she had only earned two hundred euro per week in the first four weeks before she was taken on full-time. Her gross weekly pay with the crèche that had dismissed her had been €370.00 per week (as evidenced by a copy payslip furnished to the Tribunal). However, she had not been paid by the

dismissing crèche since June 2011.

No evidence was offered by or on behalf of the dismissing crèche to show substantial or any grounds to justify the dismissal of the claimant.

Determination:

On the uncontested evidence of the claimant, the Tribunal unanimously allows the unfair dismissal claim. In all the circumstances of the case the Tribunal finds compensation to be the appropriate redress and, taking account of the claimant's mitigation of the financial loss resulting from her unfair dismissal, deems it just and equitable to award her the sum of €5,120.00 (this amount being the total of twelve weeks' gross pay at €370.00 per week and four weeks at a loss of €170.00 per week in the first weeks of new employment) in allowing her claim under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

