

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

UD526/2012

against
EMPLOYER
EMPLOYER
under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Herlihy
Members: Mr. G. Andrews
Ms S. Kelly

heard this claim at Limerick on 29th August 2012 and 7th November 2012

Representation:

Claimant:
Respondent:

Background:

The respondent is a learning institution and the claimant was employed there in an academic role.

Respondent's case:

The Tribunal heard evidence from the HR officer for the respondent as to the background of the case. the witness gave evidence as to the qualifications required for the teaching position and the regulations that were involved.

The Regional Manager (MC) for Youth Reach, Limerick, gave evidence on behalf of the respondent. MC told the Tribunal that he had informed the claimant of the requirement to obtain a relevant qualification. The claimant enquired with MC as to whether a degree in psychology would suffice and MC told him that it would not as the Teaching Council did not recognise the institute running that course. MC made it very clear to the claimant that allowances would be made to the claimant in order to allow him to up-skill and he told the claimant to talk to the Guidance Counsellor.

MC knew that the claimant had an interest in history but MC could see more opportunity in woodwork for the claimant.

Claimant's case:

The claimant had worked as a Cabinet Maker for some years before becoming a Woodwork Teacher with the respondent. Although he did not formally complete an apprenticeship the claimant had completed a diploma in Irish Training and Development Programme. This was a specialised diploma in education and training and the claimant was a member of the Teaching Council of Ireland.

The claimant wrote a letter to MC in 2009 in relation to which degree course he should undertake. He was motivated to write this letter by the fact that the HR Officer of the respondent had told him that in order for him to receive increments and allowances he must have a degree. The claimant wrote to the Guidance Counsellor in regard to what course he should pursue but got no reply. He also rang the Department of Education and they told him that it was a matter for the VEC to decide upon which courses they deemed suitable.

The claimant returned from administrative leave and expected to be put back to work but instead he was told that he was being made redundant because he had not obtained the required qualifications. He told the Tribunal that, had he received a written reply to his 2009 letter and been told exactly what course he should complete, that he would have completed that course and gotten the required qualification.

Determination:

Having carefully considered the evidence adduced at the hearing the Tribunal finds that the claimant was not unfairly dismissed by the respondent.

The claimant was advised on several occasions that his qualifications were inadequate and that he was required to obtain a level 8 HETAC degree in a relevant subject. The issue of qualifications was consolidated in 2007 by a document issued by the Teaching Council. Qualifications were referenced in this document and the claimant did not procure the qualifications.

The Tribunal is satisfied that the decision to dismiss the claimant on the grounds of redundancy was a fair decision and the claim under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

