

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE,
-claimant

CASE NO.
UD2444/2010

against
EMPLOYER,
-respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Lucey
Members: Mr. G. Andrews
Ms S. Kelly

heard this claim at Limerick on 31st August 2012

Representation:

Claimant:

Respondent:

Background:

The respondent is a Credit Union and the claimant worked there as a teller. The claimant's case is one whereby she is claiming "constructive dismissal" and the claimant therefore was the first to give evidence to the Tribunal.

Claimant's case:

The Tribunal heard evidence from the claimant. The claimant worked as a teller in a credit union. She did the daily reconciliation, balancing of cash, foreign exchange, western union the BOM accounts for the BOM and approving / refusal of loan details/ correspondence. Ms MR was her manager i.e. MR had been a supervisor and then became her manager. CR was another employee but CG was not her manager. CG co-ordinated/ delegated duties.

When asked if anyone bullied her the claimant answered the MR and at least one other bullied her. She had asked MR for leave around December one year and MR agreed this, and then later on MR rescinded this because others were on leave.

There was an incident that happened as she went to collect monies from a local school. She was followed by a strange man. She returned to her work and the Gardaí were called. The Gardaí told her that the man was a dangerous man. The following week MR told her that she had to go to the school again. She told MR that she was terrified. MR told her that she had to do it.

Another time the claimant spoke to a person from the Board of Management (BOM) or a “higher-up” and MR asked her why she had “gone over her head”.

Another day she was filing documents and she came across a letter. MR (or someone else) told her that the letter was about her (the claimant). It was a letter of apology to a member of the credit union. The claimant asked why she was not told about the matter and why she was not asked for her side of the story. The claimant asked for the minutes of the meeting about the matter and MR gave her a different letter. The claimant brought this to the attention of the BOM and sent the letter to the BOM. The BOM wrote to apologise and to say that proper procedures had not been put in place.

The claimant gave evidence that she had difficulty in obtaining travel expenses from her employer and that she was told to write her own expense cheques a few times.

When she was on sick leave she had sent her partner to get her pay cheque and she was told she had not sent in her sick certs. She was “always hassle”, “always a battle about my wages when I was out sick”.

At one point MR accused her of shouting at CG in the office: MR told her that CG was the acting manager in the office whilst she (MR) was out of the office and that she was to watch her tone with CG.

The claimant explained another issue with CG which resulted in another member of staff not talking to her.

The claimant outlined another situation whereby staff called her by very derogatory names. The claimant was asked if she told MR and CG and the claimant replied that, “MR would have heard this happen. MR and CG did not act on this. The claimant brought this to the attention of the grievance committee.

The claimant explained that her work performance was constantly being corrected; the criticisms were often public.

The claimant outlined many more difficulties/criticisms regarding work practices concerning monies.

The claimant eventually went on sick leave. She was “terrified of being in the credit union.... Horrible feeling”. She went to her doctor and he placed her on medication. The claimant gave evidence as to her loss.

The claimant’s representative gave a closing statement.

The respondent’s representative gave a closing statement.

Determination:

The claim under the Unfair Dismissals Acts, 1977 To 2007, succeeds. The respondent’s

case was that it was for the claimant to prove two tests and one of these was that it was incumbent on the claimant to prove that the respondent was so unreasonable as to prove her case.

The Tribunal unanimously determines that the claim under the Unfair Dismissals Acts, 1977 To 2007, succeeds. The Tribunal determines compensation to be the most appropriate remedy and awards the claimant the sum of €2,129.80, this being four weeks gross pay, as is just and equitable having regard to all the circumstances.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)