

EMPLOYMENT LAW - UNFAIR DISMISSAL

Lost your job??



Do you think you were unfairly dismissed?



You are not alone - According to the 2007 Report of the Employment Appeals Tribunal (EAT) the total number of claims referred to the Tribunal in 2008 was 5,457. An increase 72% from 2007.

The Tanaiste, Mary Coughlan recently stated that “the EAT's workload has increased rapidly, as it mainly deals with issues relating to termination of employment - unfair dismissals and decisions where there is a dispute regarding redundancies. Since the beginning of 2009, for example, the EAT has received over 4,300 claims compared to 1,900 in the same period in 2008.”

The Employment Appeals Tribunal is an independent body which adjudicates disputes on employment rights. It is not like a court environment – it is quite informal and is usually held in a hotel conference room.

The Unfair Dismissals Acts enable employees who believe they have been unfairly dismissed to present a claim of unfair dismissal to either a Rights Commissioner or to the Employment Appeals Tribunal.

If you are dismissed from your employment, you may, under certain conditions, bring a claim for unfair dismissal against your employer. The unfair dismissals legislation in Ireland does not actually protect you from dismissal, rather it provides a system of appeal whereby you can question the fairness of your dismissal after it has occurred.

- Employment Appeals Tribunal awarded €34,000 in compensation to a window-fitter who was dismissed after his employer engaged a private investigator to observe him while taking two days' unpaid leave.

- The Employment Appeals Tribunal in recent times found that a particular set of claimants had been unfairly selected for dismissal and that on the evidence there was at least another twelve weeks work available. It made a total award of over €360,000.00 to the eight claimants under the Unfair Dismissals Acts.

However, claims to the EAT also fail; it was recently decided that the employee should only be awarded €6,000.00 due to the fact that the efforts on his part to secure alternative employment were “half hearted at best”.

Act quickly and contact us today to process your claim because although you may be waiting up to a year for a hearing date you only have six months in which to make the initial application.

For further information, to receive a copy of our newsletter or to discuss any aspect of employment law please contact our office:

*Fleming & Barrett Solicitors
66A South Main Street, Bandon, Co. Cork
Phone: 023-8844211
Fax: 023-8844630
Email: reception@bandonsolicitors.com
Website: www.bandonsolicitors.com*