

A rushed Redundancy may result in an Employment Equality claim

IN ADJ-0001888318883 the Adjudication Officer in this case awarded a total of €56,000.

In reviewing the case it is clear that the Adjudication Officer did not say that this was not a genuine redundancy situation where a job was moving to another country. The Adjudication Officer did however point out the decision of Mr. Justice Charleton in JBC Europe Limited –v- Panisi 2001 IEHC279 where he stated:

“It may be prudent and a mark of a genuine redundancy that alternatives to letting an employee go should be examined”.

In this case the employee was given an alternative. She was given time to consider a new position in a new country before her employment was terminated. However she was only given 9 days. This was to consider moving with her job to France. The Adjudication Officer pointed out that the employee was still actively interested in the role but was not given sufficient time to get a French Lawyer to advise her on the new contract.

Where making an employee redundant it is important that alternatives are put forward and considered. At the same time if a new role is being offered the employee must be given sufficient time to consider same. If there is a change in contract arising then of course time will have to be given. Of course it will depend on what the changes are. If it involves a change in country and therefore the law governing there employment clearly a lengthy period will have to be given. If it is a minor change then only a short period of time will need to be given.

The case however importantly points out that the issue of redundancies cannot be looked at in a vacuum. Employers must be conscious of the fact that not only may an unfair dismissal claim arise on the basis of unfair selection but equally an Employment Equality claim can arise.