

Redundancy – Suitable Alternative Employment - 2

This was considered in ADJ-00026761. The Adjudication Officer set out that in considering whether the decision of an employee to refuse to move to a new location was reasonable in all the circumstances the Adjudication Officer followed the Labour Court in the case of Gareth Browne -v- Isabella Di Simo RPD1014 which applied the English EAT case of Cambridge and District Co-operative Society Limited -v- Ruse 1993 IRLR156 where the Labour Court stated:

“The suitability of the employment is an objective matter, whereas the reasonableness of the employee’s refusal depends on factors personal to him and is a subjective matter to be considered from the employee’s point of view”

The case of Executors of JP Everest -v- Cox 1980 ICR1415 was also quoted where it was stated that:

“The reasonableness of an employee’s refusal of suitable alternative employment depends on factors personal to him and is a subjective matter to be considered from the employees’ point of view. The employee’s behaviour and conduct must be judged looking at it from his point of view, on the basis of the facts as they appeared, or reasonably to have appeared, to him at the time the decision had to be made”.

The Adjudication Officer set out that taking this into account the employee’s personal circumstances are factors for consideration. In this case the complainant had said that the reason she rejected the offer was because commuting 62 kilometres each way by car on the congested N11 and M50 motorway was a lot more argues and stressful journey and would take a considerably longer time than travelling by train a journey which took 45 minutes. In addition, she said the extra expense of commuting by car because she would have to upgrade her car and this would cause an additional financial burden on her as well as the additional expense of maintaining the car. In this case the Adjudication Officer upheld the case and awarded redundancy.