

Redundancy - Fair Selection

In the Labour Court in the case UDD1629, being a case of Kohinoor Limited and Hussain Ali, has given a very detailed overview in relation to redundancy and the selection processes. The Court in this case referred to a case of Gillian Free -v- Oxigen Environmental UD206-2011 being a decision of the Employment Appeals Tribunal wherein the decision of the Tribunal was quoted with approval. The Court in this case pointed out that it was satisfied that having made the decision to make a number of employees redundant from among a number of chefs carrying out the same or similar duties this was done with the assistance of expert advice and that the company had devised a very detailed selection matrix to decide on the criteria to be used to select those to be made redundant. The Court found that the selection criteria were fair and reasonable. The Court found that redundancy was the reason for dismissal and dismissed the Unfair Dismissal case. This case is a very useful reminder for practitioners as to the best practice which should be engaged in when undertaking a redundancy.

In Case ADJ1461, the Adjudication Officer rightly pointed out that the burden of proof is on an employer to show that the selection process was fair. In this case, the Adjudication Officer found that the employer had not shown that the selection process was fair and an award of €5,000 for Unfair Dismissal was awarded.

Where an employer is considering redundancy, it is vitally important that appropriate advice from an employment law solicitor is obtained.

It is vitally important that employers ensure that there are fair procedures for all redundancies. Failure to do so can result, as in this case, in an award for Unfair Dismissal.