

Redundancy Payment Acts and Equality Claims

In case ADJ11958 the AO had to look at the provisions of Section 7(2)(e) of the Act which provides for redundancy where,

“The fact that his employer has decided that the work for which the employee had been employed (or had been doing before his dismissal) should henceforward be done by a person who is capable of doing other work for which the employee is not sufficiently qualified or trained”.

The AO in this case referred to the Employment Law Second Edition by Murphy and Regan at pages 784/785 where the authors cited the decision in St. Ledger v. Frontline Distribution Limited 1995 ELR160 where the EAT stated,

“Definition (e) must involve partly at least work of a different nature, and, that is the only meaning we can put on “other work” more or less work of the same kind does not mean “other work” and is only a quantitative change”.

This case was an equality case. The decision covers in some depth the law relating to discrimination where an employer would have sought to get rid of an employee on the basis of redundancy. In this case an award of €25,000 was made. The AO in this case in setting an award of €25,000 took into account that a redundancy payment of a little over €9000 had already been made.

This case is interesting both in the area of Equality and Redundancy Legislation.