

Redundancy - Suitable Alternative Employment

This issue arose in case ADJ-000026793. The case involved a security guard and a security company. The complainant contended that he was entitled to a redundancy payment as the Respondent removed him from his job on a particular site and failed to offer him reasonable alternative employment. The Complainant in this case was a static security guard. He was informed there was no work for him on the site he usually worked at. He was given no reason except that the client did not want him here and the Respondent offered him alternative work in Limerick which was well away from his home in Galway. Work was offered in Galway but at 50% of the hours. The Respondent contended that this was reasonable.

The Adjudication Officer referred to Section 7 and Section 15 of the Act. Section 15 (2) (c) refers to the offer constitutes an offer of suitable employment in relation to the employee.

The Adjudication Officer in this case held that the offer of re-engagement was alternative employment with very different and less favourable conditions and that it was not unreasonable to refuse the offer. In the circumstances redundancy was awarded.

This is the type of issue which is likely to arise in cases on a reasonably regular basis particularly post Covid where a business may be closing down in one location but moving to another.

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***Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

****In contentious cases, a solicitor may not charge fees or expenses as a portion or percentage of any award of settlement.**