



Appeals in Unfair Dismissal Cases *

The case of Sean Lonergan and Dunnes Stores UD691/2015 is interesting in that the Employment Appeals Tribunal stated, in their decision;

“The Tribunal was not impressed by the respondent’s offering an appeal in writing only”.

The fact, though it is not set out in this particular case that an employer may have a particular disciplinary and appeal process in writing is not the end in itself. The procedure for a disciplinary process and the appeal must be fair. It is important that employers would consider looking at the Code of Practice on Grievance and Disciplinary Procedures. If an appeal process is not fair and that includes the original disciplinary action and the appeal then the employer runs a risk that even though they will have complied fully with their own policy and procedure the dismissal can still be deemed unfair.

It is important for employers to get advice from a Solicitor in drafting an appropriate disciplinary policy which will include an appeal process to avoid difficulties so that the process will be held to be fair.

It is equally important that when employers have a disciplinary process that they make sure they understand their own disciplinary process, that they apply that disciplinary process and that they regularly review the disciplinary process with their Solicitor who advises them on employment law to take account of any changes that need to be put in place to take account of changes in the law or practice or court decisions.

***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.**