



Constructive Dismissal*

In ADJ1866 the Complainant was employed as a security officer. He alleged that following a disciplinary hearing in November 2015 he was not allowed to return to work to his original job or an alternative job working the same number of hours. The Adjudication Officer found that the employee was only provided with one days' notice of the disciplinary hearing. At this meeting he was taken off the regular roster of 23 hours per week. The Respondent did not provide the Complainant with all the documentation necessary to respond to the allegations made against him including emails which stated they had been received by them. The disciplinary hearing was never convened. The alternative work offered to the complainant was night work at reduced hours and a greater distance from him previous regular job. The employee obtained new work after 5 weeks.

The Adjudication Officer determined that the Complainant was not afforded due process and fair procedures in the manner by which he was removed from his regular work. The Adjudication Officer found he was not provided with the documentation that was the source of the allegations against him and the respondent failed to reconvene the disciplinary hearing as promised so that the complainant was afforded no opportunity to present his case.

The Adjudication Officer awarded €2400.

***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.**