



MITIGATION OF LOSS*

Case UDD1816 is an interesting case in that it deals solely with the issue of mitigation of loss in a case before the Labour Court.

Normally an appeal to the Labour Court is a De Nova appeal. In this case the employer admitted that there had been a dismissal which was not fair and therefore the only issue related to the mitigation of loss.

The case is useful in that the employer quoted a number of cases on the issue of an employee being required to mitigate their loss. The case is further interesting in that the employer in this case through their representative contended that compensation of a little of €3000 should be paid on the basis that the employee could have mitigated their loss within 8 weeks. On the other side the representative of the employee contended that the compensation should be a little over €25,000 taking into account the mitigation of loss that had already been made by the employee.

The Labour Court in this case held that an award of €15,000 would be made on the basis that the employee had not fully sought to mitigate her loss.

This is a very interesting case to read on the basis that it deals in some detail with the issue of mitigation of loss.

***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.**