Certificate in Trade Union Studies

Law & The Worker

Mid-Term Assignment

Assignment is worth 30% of total course marks and the word count is 800 words.

Submit using electronic submission on SiptuLearn by 17th October 2025 by 5pm

• Consult your Learner Handbook regarding penalties for late submission and plagiarism.

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https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.workplacerelations.ie%2Fen%2Fcases%2F2017%2Faugust%2Fudd1739.html&data=04%7C01%7C%7C39e39d3832bf41c50cfd08d8dcc23026%7Cb47628df374d4176b661a9858753cbac%7C0%7C0%7C637502073878546245%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=MsmgyCGaDoGfwsT2zdOB4earkeu0E37wFNkUJsHfhzs%3D&reserved=0

Labour Court Determination No.UDD1739 (link above) was issued on the 3rd August 2017 and was an appeal Of Adjudication Officer Decision No: ADJ-00001221 CA-00001618-00. The employee appealed the decision of the Adjudication Officer to the Labour Court in accordance with Section 9(1) of the Unfair Dismissals Act, 1977 to 2017 on 15 March 2017.

This assignment requires you to discuss the strengths and the weaknesses of the Unfair Dismissals Acts as applied in Labour Court Determination No.UDD1739 from the perspective of the employee.

In your answer you should include a brief summary of the case, discuss the strengths and weaknesses of the legislation, whether the findings and remedy was fair or not in your opinion, and whether or not the outcome provides for an organising opportunity for Unions. Reference to course materials is encouraged as is reference to the relevant sections of the legislation and other case law.

Please ensure you cite and reference correctly using the Harvard system and you must include a bibliography at the end of your work. The bibliography is not included in the word count.

FULL RECOMMENDATION	
UD/17/43	**DETERMINATIONNO.UDD1739**

ADJ-00001221 CA-00001618-001

SECTION 8A, UNFAIR DISMISSAL ACTS, 1977 TO 2015

PARTIES :
WOODIES DIY LIMITED
(REPRESENTED BY IRISH BUSINESS AND EMPLOYERS' CONFEDERATION)

- AND -

MOSES OKEZIE IKORO
(REPRESENTED BY FITZGERALD & CO SOLICITORS)

DIVISION :

Chairman: Mr Foley
Employer Member: Ms Doyle
Worker Member: Mr McCarthy

SUBJECT:

1. Appeal Of Adjudication Officer Decision No: ADJ-00001221 CA-00001618-001

BACKGROUND:

2. The employee appealed the decision of the Adjudication Officer to the Labour Court in accordance with Section 9(1) of the Unfair Dismissals Act, 1977 to 2017 on 15 March 2017. A Labour Court hearing took place on 27 July 2017. The following is the Determination of the Court:

DETERMINATION:

The Appeal

This is an appeal by Moses Okezie Ikoro (the Appellant) against the decision of an Adjudication Officer in his claim that he had been unfairly dismissed by his former employer Woodies DIY limited (the Respondent).

In a decision dated 2nd February 2017 the Adjudication Officer found that the Appellant's complaint was not well founded.

The Appellant was employed from 1st March 2007 to the date of his dismissal on 16th November 2015. The fact of dismissal is not in dispute.

Summary position of the Respondent

The respondent was contacted by a customer on 26th October 2015 who enquired as to whether money had been found in the store as €50 was missing from her purse. The respondent examined CCTV records and identified as a fact that the customer had dropped a €50 note at the Appellant's till. The CCTV footage also identified that the note had been placed by the Appellant in his till at 5.17pm on that day.

The Respondent's investigation of the matter examined the data associated with the till on the day. The Respondent established that the Appellant's till had balanced but for a small 'overage' of 19c at 6.00pm on the

day. The Respondent submitted that the fact of the till balancing demonstrated that the customer's €50 note had been removed from the till between 5.17pm and 6.00pm. The Respondent acknowledged that the CCTV footage of the till did not show the Appellant removing the €50 note from the till. The Respondent conducted a disciplinary and appeal process and concluded that, on the balance of probabilities, the Appellant had removed the €50 note from the till. The Respondent submitted that it had followed fair procedures and that it was reasonable to dismiss the Appellant having come to the conclusion it came to on the balance of probabilities.

Summary position of the Appellant.

The Appellant did not dispute the fundamental facts of the matters before the Court. The Appellant contended that he had seen a €50 note at his till having completed a transaction with a customer. He had assumed that this note was related to the transaction and placed it in the till. He submitted that he had never removed the note from the till. He submitted that a cashier of the Respondent was responsible for the removal of notes from his till and that he had not signed for any internal transactions involving the removal of notes from his till after 5.17pm on the day in question. The Appellant submitted that others, including the cashier and the cash office, had handled the cash from his till but that the Respondent had failed to investigate those persons' interactions with the cash from his till and had failed to properly investigate all possibilities as regards the absence of a €50 note from his till.

The Appellant submitted that the procedures of the Respondent had been deficient insofar as the investigation conducted into the events of 26thOctober 2015 had not been thorough and was flawed.

Discussion and Conclusions

The parties are agreed on the essential facts. It is the case that a discrepancy in the till cash was identified following a report from a customer and an examination of the till CCTV records. The Respondent investigated the matter, engaged a disciplinary process and concluded that, on the balance of probabilities, the Appellant had removed €50 belonging to a customer and as a consequence dismissed the Appellant.

The Court accepts that it is reasonable for an employer, having (1) conducted a thorough and comprehensive investigation to the degree possible, and (2) employed fair disciplinary procedures, to arrive at conclusions on the balance of probabilities.

In this case the undisputed facts appear to be that a customer accidentally left a €50 note at the till 5.17pm. on 26thOctober 2015. The Appellant placed that note in the till. CCTV footage of the till does not show the Appellant removing €50 from the till. A second staff member of the Respondent, a cashier, engaged with the till in the minutes approaching 6.00pm. In those minutes a range of cash related matters were dealt with, viz the notes in the till were counted and despatched to the cash office via two 'pods', coin was counted, a 'Z' report was run and certain records were completed and signed or not signed. In summary all of the cash in the till was handled in a transaction which involved or was observed by both the till operator and the cashier.

It seems clear to the Court that whatever happened to the €50 note had happened before the opening of 'pods' from the till in the central cash office on the following day. Therefore, whatever happened to the note had happened before those 'pods' were sealed and sent through a secure system to the cash office.

The Respondent cannot say with certainty what happened to the €50 note and that is accepted. The Respondent confirmed to the Court that while its investigation examined the records completed at the till and the CCTV footage of the till it did not engage with the cashier who signed for the removal of all notes from the till after 5.17pm and up to the till closure at 6.00pm.

A comprehensive investigation seeking to establish what happened to the €50 note which was deposited in the till at 5.17pm would require to examine and consider all aspects of cash operations up to and including the moment the 'pods' were sealed for transmission to the cash office. It is clear that the Respondent failed to comprehensively examine all stages of cash handling at this till insofar as no engagement took place with the cashier who participated in the major cash events occurring at 6.00pm approximately and whose evidence as

regards those transactions had the potential to assist in ensuring that the entire chain of events surrounding the handling of the €50 note was understood and investigated. The Court therefore finds that the investigation undertaken by the Respondent was not comprehensive to the degree that the outcome could be assured to provide a basis for conclusions to be drawn on the balance of probabilities following the conduct of the Respondent's disciplinary process.

It is not for the Court to carry out an investigation of the events of 26thOctober 2015 or indeed to draw any conclusions or make inferences as to what happened to the €50 note. Rather the role of the Court is to determine whether the decision to dismiss in the circumstances was within the range of responses of a reasonable employer to the events of 26thOctober 2015. That decision and the disciplinary process leading to that decision took into account the outcome of the investigation which had been carried out by the Respondent. The Court has found that the investigation was not comprehensive. Consequently the Court must conclude that it was not reasonable of the Respondent to reach a decision to dismiss the Appellant in the absence of a comprehensive investigation of relevant facts and events.

Determination

The Court finds, for the reasons stated above, that the Appellant was unfairly dismissed. The appropriate remedy in this case is compensation. It took the Appellant some nine months to obtain alternative employment. The Court therefore assesses the financial loss to the Appellant arising from his dismissal as €17,000. Taking account of the fact that the Appellant was unavailable for employment at certain times between November 2015 and August 2016 the Court awards the Appellant €15,000 in compensation for his financial loss accruing from his unfair dismissal.

The Court so determines.

Signed on behalf of the Labour Court

Kevin Foley
JD_____
03 August 2017Chairman

NOTE

Enquiries concerning this Determination should be addressed to John Deegan, Court Secretary.