



A QUICK GUIDE TO CALCULATING FINANCIAL LOSS IN AN UNFAIR DISMISSAL CASE

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EMPLOYMENT RIGHTS ADVICE

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INTRODUCTION

This guide is a summary of the steps involved in preparing a claim for your financial loss

It contains general information based on Irish law. Please note however that it does not constitute legal or commercial advice, nor is it intended to create a consultant-client relationship. Neither is it intended to provide a comprehensive or detailed statement of the law.

No liability whatsoever is accepted by ERA Legal & Corporate Limited for any action taken in reliance on the information in this guide. You should not act or refrain from acting, on the basis of any information contained in this guide or posted on our website but rather you should always seek specific legal and other professional advice.

We're here to help. Enjoy the guide. If you need professional advice
Contact me on info@employmentrightsadvice.ie.



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Guide to Calculating Financial Loss in an Unfair Dismissal Claim

How is my loss calculated in an unfair dismissal claim?

Check your contract for loyalty bonus etc, and any other payments or benefits, in addition to your basic wage.

Include all remuneration. Your financial loss will be calculated under the following headings:

Present loss.

This is a calculation of your actual loss from the date of dismissal up to the date of the hearing. If you earned any money during this period, that amount will be deducted, as will any payment in lieu of notice. Social welfare payments are not included.

You have a duty to mitigate your loss. This means that you have to be able to prove that you are actively seeking alternative employment. Write letters, send emails, respond to job advertisements. All of these activities leave a trace which you can use to prove that you have been seeking employment since your dismissal. If you have no actual loss, say because you walked straight into another job of equal pay and opportunity, you may still be eligible for a compensation amount equal to four weeks pay. You will need to provide payslips and P60 for your most recent annual earnings.

Future loss.

An analysis will be made as to how long you are likely to remain unemployed and a figure arrived at for your future loss. If you have obtained employment, but at a lower wage rate, the shortfall can be taken into account under this category. Is your job further away? What is the cost of the extra travel?

Pension loss.

Consider the effect on your pension, if any. Calculate this amount and add it to your claim for compensation for unfair dismissal. You must be able to provide proof of the basis for your calculations. You will need verifiable figures showing the difference in your pension before and after dismissal.

Loss of Statutory protection.

This loss is based on the fact that you will be starting all over again with any new employer. You will have to build up your employment periods in order to avail of the protection offered by many of the employment laws which protect Irish Employees, for example, the Redundancy Payments Acts.

Contributory conduct.

If it is held that your behaviour contributed to your loss, a percentage will be ascribed to this and your compensation will be reduced by that percentage.

Back it up

Include copies of payslips, P60, pension details etc. In short, any document which shows that your calculations are based on fact should be submitted.

Further information

Please contact us if you require any further information or help with your unfair dismissal claim. We have over thirty five years experience in employment law in Ireland.

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Thank you for reading this booklet. We hope you found it useful.