DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Ireland	2019	Ireland / Workplace Relations Commission, The Labour Court/ ADJ-00018001 CA-00023201-003: SECTION 8A, UNFAIR DISMISSAL ACTS, 1977 TO 2015, PARTIES : TRINITY COLLEGE DUBLIN (REPRESENTED BY IRISH BUSINESS AND EMPLOYERS CONFEDERATION)- AND - MR ALI SELIM /R	https://www.workplacerelations.ie/en/cases/2019/september/udd1951.html	Religion	Labour Court	This is an appeal by Ali Selim (the Appellant) against an Adjudication Officer's Decision given under the Unfair Dismissals Act 1977 to 2015 (the Act) in a claim that he was unfairly dismissed by his former employer Trinity College Dublin (the Respondent). Dr Ali Selim, the Appellant, participated in a television programme on February 8th 2018. During the programme, Dr Selim spoke on the topic of Female Genital Mutilation (FGM) and "exercised his right to express Islamic beliefs that were subsequently misrepresented to appear at odds with most opinions in Ireland." Subsequently, Dr Selim's classes in TCD were suspended and he was unsuccessful in his application for the position of Assistant Professor of Middle Eastern History. Dr Selim proffered that his "redundancy was contrived in a response to his appearance on the TV show."	"The Court determines that, for the reasons set out above, the Appellant was unfairly dismissed. The Court has considered the remedies available and has decided that reinstatement or re-engagement of the Complainant is not a practical option in this case. The Court instead takes the view that compensation is the appropriate form of redress."	"On a plain reading of the section it is clear that in order for the Respondent to be able to rely on this section of the Act of 1967 to establish that a redundancy within the meaning of the Act has taken place, it must establish that it had decided to carry on the business with fewer or no employees. In fact however, the Respondent submitted that it had decided to continue the business with the same number of employees as previously in that it recruited an Assistant Professor and terminated the employment of the Appellant. That being the case the Court must conclude that the Respondent did not decide to carry on the business with fewer or no employees. The proposition that an employer has decided to carry on the business with fewer or no employees is a condition precedent for reliance on Section 7(2)(c) of the Act of 1967 to establish that a redundancy has taken place. The Court therefore finds that the Respondent has failed to discharge the burden of establishing that a redundancy as defined by the Act of 1967 at Section 7(2)(c) has taken place. For the reasons set out above the Court finds that the Respondent has failed to establish that a redundancy within the meaning of the Act has taken place. Applying the reasoning of Charlton J in JVC Europe Limited v Jerome Ponisi [IEHC] (2012 ELR70) therefore the Court finds that the Respondent has failed to discharge the burden of establishing that the dismissal of the Appellant was fair. The Court therefore finds that the Appellant was unfairly dismissed."	Discrimination in employment, unfair dismissal and burden of proof.	"...the Court finds that the Respondent has failed to establish that a redundancy within the meaning of the Act has taken place. Applying the reasoning of Charlton J in JVC Europe Limited v Jerome Ponisi [IEHC] (2012 ELR70) therefore the Court finds that the Respondent has failed to discharge the burden of establishing that the dismissal of the Appellant was fair. The Court therefore finds that the Appellant was unfairly dismissed."

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