



EMPLOYMENT, PENSIONS AND EMPLOYEE BENEFITS

Unfair Dismissal Award Made to Former Senior Executive at Twitter

by **Aoife Bradley**

Unfair Dismissal Award Made to Former Senior Executive at Twitter

11th September 2024 | by Aoife Bradley

A former senior executive at Twitter has been awarded €550,000 for unfair dismissal by the Workplace Relations Commission in Ireland.

This is the highest award ever made in an unfair dismissal claim in Ireland to date.

Gary Rooney v Twitter International Unlimited Company

When the executive failed to tick a box, which would have been deemed to be agreeing to new and unspecified terms and conditions, Twitter classified the executive as having resigned from his role.

The Email

Mr Rooney, a former senior executive with Twitter, claimed that his employment was terminated by Twitter after he failed to click "yes" in reply to an email received from the company's owner Elon Musk regarding new and unspecified pay and conditions. The email headed "A Fork in the Road", gave 270 Irish employees a one-day deadline to respond.

Mr Rooney had over nine years' service when his employment was terminated.

In the email, Elon Musk informed employees that to "build a breakthrough Twitter 2.0 and succeed in an increasingly competitive world, we will need to be extremely hardcore. This will mean working long hours at high intensity. Only exceptional performance will constitute a passing grade."

The email required employees to click "yes" in a link at the bottom of the email, and it also stated that "Anyone has [sic] not done so by 5pm ET tomorrow will receive three months of severance".

Offer of Severance

Mr Rooney was sent a draft severance agreement offering him €22,384, which would be withdrawn if it was not accepted within two weeks. Mr Rooney earned a total (gross) annual remuneration package of €369,937 before his employment was terminated.

Following the termination of his employment by Twitter, Mr Rooney was unable to secure a similar position. However, he did obtain a new role in September 2023 on a lower annual gross remuneration package of €129,897.

The Claim

Mr Rooney sought the maximum award of two years' remuneration in his claim before the Workplace Relations Commission (WRC).

Twitter argued that in failing to tick the box and respond to the email, Mr Rooney had resigned and was responsible for his own loss. Twitter also stated that Mr Rooney's contract of employment permitted the company to make reasonable changes to his terms and conditions.

The Decision

The WRC adjudicator viewed the email in question as an attempt to secure agreement to an alteration of the terms and conditions of employment or to obtain volunteers for redundancy. The adjudicator stated that "no employee when faced with such a situation could possibly be faulted for refusing to be compelled to give an open-ended unqualified assent to any of the proposals."

The WRC found that the decision not to click "yes" in response to the email was not capable of constituting an act of resignation and that permitting employees only 24 hours' notice to respond could not be considered "reasonable notice" in which to make an informed decision.

The WRC held that the dismissal of Mr Rooney was unfair due to the lack of any substantial grounds justifying the termination and awarded total compensation of €550,131 for the unfair dismissal, of which €200,000 was for prospective future loss of earnings.

For more information contact Aoife Bradley at abradley@lkshields.ie.

About the Author



Aoife Bradley
Partner

Aoife is Head of Employment, Pensions and Employee Benefits.
T: + 353 1 637 1583 E: abradley@lkshields.ie