

EMPLOYMENT APPEALS TRIBUNAL

Appeal Of:
Employee

Case No.
RP68/2006

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. K. Buckley

Members: Mr. D. Hegarty
Ms. H. Kelleher

heard this appeal at Cork on 30th April 2007

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:

Claimant's Case:

The appellant worked with the respondent from October 1995. She worked thirty hours per week. In 1998 her hours were reduced to twenty-five hours per week until 2004. In September 2004 because of a problem in the respondent's factory, the appellant's hours were further reduced to ten hours per week. In November 2004 the appellant worked fifteen hours per week. The appellant was informed that the factory's problems had increased and she was laid off for two weeks. When the appellant was told the problem could not be fixed she received notice of redundancy on the 14 December 2005. The respondent calculated her redundancy based on her working a fifteen-hour week. The appellant confirmed she received €2,435.37 from the respondent as redundancy payment based on a fifteen-hour week. The appellant believes her redundancy should have been based on a twenty-five hour week.

Answering questions from the Tribunal the appellant stated that if additional hours of work had been available she would have worked them.

Respondent's Case:

The director of the respondent confirmed that he had calculated the appellant's redundancy based on her working fifteen hours per week and had paid her €2.435.37.

Determination:

The Tribunal determined that it was not clear that the appellant fully accepted the reduced working hours as being her normal working week.

The appellant had made it clear that she was prepared to work any additional hours made available to her. She had not requested to be placed on reduced working hours and on the balance of the evidence the Tribunal was satisfied that the appellant's redundancy payment should have been based on a twenty-five hour week.

Therefore the Tribunal award the appellant her redundancy entitlement under the Redundancy Payments Acts, 1967 to 2003, based on the following criteria and less monies already received:

Date of Birth:	15 June 1948
Date of Commencement:	1 October 1995
Date of Termination:	30 December 2005
Gross Weekly Pay:	€191.25

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)