

EMPLOYMENT APPEALS TRIBUNAL

Appeal Of:
Employee

Case No.
RP69/2006

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:

Appellant's Case:

The appellant commenced employment with the respondent in October 1997 and she worked thirty hours per week. Two years later her hours were reduced to twenty-five hours per week. In September 2004 the appellant's hours were reduced to ten hours per week due to a problem in the factory. After a number of months her hours were increased to fifteen hours per week and remained at this level until her redundancy in December 2005.

The appellant was given notice of her redundancy in November 2005. Her final day of work was the 31 December 2005. The respondent paid the appellant redundancy of €1,919.67. This redundancy was based on a fifteen-hour week. The appellant believes her redundancy payment should be based on a twenty-five hour week. The appellant was absent on sick leave for one week during the course of her employment.

Answering questions from the Tribunal the appellant stated that she accepted the reduced hours as they suited her at the time. There was nothing she could do about the reduced hours, as there were problems in the factory.

Respondent's Case:

The respondent confirmed that he had paid the appellant the above sum as her redundancy payment based on fifteen hours worked per week.

Determination:

The Tribunal determined that the appellant accepted the reduced working hours. The appellant agreed that the reduced working hours suited her at the time. The appellant did not request a return to a twenty-five hour week. The Tribunal determined that the appellant was deemed to have accepted the reduced working hours as her normal working week. On that basis the gross pay for redundancy purposes was correctly based on fifteen hours per week and the appellant accepted that she had received her redundancy. Accordingly, the appeal under the Redundancy Payment Acts, 1967 to 2003, fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

