

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
RP137/2007

Against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary BL

Members: Mr. M. Murphy
Mr. O. Nulty

heard this appeal at Navan on 12th February 2008

Representation:

Appellant: Mr. Thomas C. White, Assistant General Secretary, TEEU, 5 Cavendish Row, Dublin 1

Respondent : In person

The decision of the Tribunal was as follows:

Appellant's Case:

The appellant gave evidence. He started working for the respondent in February 2004. He was a qualified plumber and worked as a pipe fitter. He completed a course to qualify as a GI. For the last year he did emergency response work. Then the respondent lost the contract for the emergency response work. The respondent gave him the phone number of the new contractor and advised him to look for other work. He was not served with notice, but he was told early in November that at the end of the month the work was gone. He secured employment with the new contractor.

Respondent's Case

A director of the respondent gave evidence. He has been in the gas industry for 35 years. It is 21 years since he set up the company. This was not the first time contracts changed hands. The company now employs 5 fitters and a labourer. Before the loss of contract there were about 10 fitters employed.

He knew in October that the contract was lost, he told his staff in November. At that time it was common knowledge. However he was not retiring. There was other work to do, installing central heating systems and installing water meters in commercial properties. Suitable work was still

available. It was his choice not to replace the 5 fitters who left.

Determination

The Tribunal carefully considered the evidence adduced and finds that a redundancy situation existed in this case and that the appellant was told that he would be made redundant at the end of November 2006. The appellant used the intervening period to find alternative employment and so he is entitled to a statutory redundancy payment under the Redundancy Payments Acts, 1967 to 2003, based on the following information:

Date of Birth:	11 June 1976
Date of Commencement:	February 2004
Date of Termination:	23 November 2006
Gross Weekly Wage:	€739.38

Note in the case of social insurance fund payments a statutory ceiling of €600.00 per week is applicable.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

