

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

5 Employees

RP625/2007

RP594/2007

RP598/2007

RP599/2007

RP600/2007

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Mahon

Members: Mr W. Power
Ms K. Garvey

heard this appeal at Dublin on 13th March 2008

Representation:

Appellants :

Mr John Murphy, SIPTU, Construction Branch, Liberty Hall,
Dublin 1

Respondent :

No representation for or on behalf of the Liquidator

The decision of the Tribunal was as follows:-

The respondent company were sub-contractors who worked on the Bord Gais network. The appellants worked in the case of emergency type situations such as gas leaks. They make the situation safe until the gas company comes along.

The appellants were paid a basic weekly wage in addition to a standby payment which is included in the gross weekly wage figure.

The company went into Liquidation on 8th March 2008

Appellant's case:

The first named appellant worked as a gas fitter for the respondent and has been in this business for twenty years. He worked for several different gas contractors over the years. The respondent lost the contract on 1st December 2007. The appellant was offered work on water fittings but at a lower wage and a lot of the work was based in the country.

His employment details are as follows:

| | |
|---------------------------|--------------------------------|
| Date of Birth | 22 nd December 1957 |
| Date employment commenced | 15 th October 2005 |
| Date employment ended | 01 st December 2007 |
| Gross weekly wage | €992.25 |

The second named appellant said that on a trial basis he worked on the water contract and had to drive to Sligo which was a four hour journey and had to be there at 8.30am. He was then asked to go to Roscommon.

His employment details are as follows:

| | |
|---------------------------|-------------------------------|
| Date of Birth | 01 st April 1964 |
| Date employment commenced | 15 th October 1998 |
| Date employment ended | 05 th January 2007 |
| Gross weekly wage | €992.25 |

The third named appellant said that the work that was offered following the loss of contract was in relation to water surveys for schools and hotels in Roscommon with a proposed fee of €5 per survey. This was the only work being offered by the respondent drastically thereby changing his and the other appellants contracts. He has worked all his life with gas and outside of Ireland from the U.K. to Canada.

His employment details are as follows:

| | |
|---------------------------|--------------------------------|
| Date of Birth | 16 th December 1949 |
| Date employment commenced | 23 rd August 1998 |
| Date employment ended | 30 th November 2006 |
| Gross weekly wage | €1,442.25 |

The fourth named appellant told the Tribunal that when the contract ended the only work that was available was in Roscommon/Sligo and he lives in Wicklow. There was no guarantee on any income and the standby rate would not apply. He is a gas fitter and has worked in the gas industry since 1971.

His employment details are as follows:

| | |
|---------------------------|--------------------------------|
| Date of Birth | 10 th December 1955 |
| Date employment commenced | 07 th January 2000 |
| Date employment ended | 30 th November 2006 |
| Gross weekly wage | €1,442.25 |

The fifth named appellant like another colleague worked on the water contract on a trial basis for two weeks and he too had worked in the gas industry all his life.

His employment details are as follows:

| | |
|---------------------------|--------------------------------|
| Date of Birth | 19 th December 1952 |
| Date employment commenced | 23 rd August 1998 |
| Date employment ended | 22 nd December 2006 |
| Gross weekly wage | €992.25 |

Determination:

On the uncontested evidence of the appellants there was a major change in the terms and conditions of employment being offered on termination of the contract. They are due a redundancy lump sum under the Redundancy Payments Acts 1967 to 2003 based on the information as set out above for each individual appellant.

Please note that a weekly ceiling of €600 applies to all payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)