

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
Employee - appellant

CASE NO.
RP635/2008
MN680/2008

against
Employer – respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P Clancy

Members: Mr T Gill
Mr T Kennelly

heard this appeal at Limerick on 13th February 2009

Representation:

Appellant: In person

Respondent:

No representation listed

The decision of the Tribunal was as follows:-

At the outset of the hearing the appellant withdrew his appeal under the Redundancy Payments Acts, 1967 to 2003.

The appellant commenced his employment, as a bricklayer, on 20th February 1995. He received two weeks notice of temporary lay-off, though without any official form, on 9th September 2007. The appellant went on temporary lay-off on 28th September 2007 and remained on temporary lay-off, while other employees were laid off. The appellant agreed he submitted a claim for a redundancy payment and he received this payment. The appellant contends that he should have been given a redundancy payment and not a lay-off, and should have received six weeks notice.

Respondent's Case:

A director of the respondent company gave evidence that the claimant was notified of the temporary layoff, agreed to by BATU, by a letter dated 27th September 2007. The intention was to retain good staff for when work became available again, however no new work became available.

The appellant submitted a claim for a redundancy payment on 3rd July 2008.

Determination:

As an RP9 form was never issued (by either side) and the employer eventually acknowledged the appellant's redundancy and issued a letter to the Redundancy Section of the Department of Enterprise, Trade and Employment shortly thereafter acknowledging there was a redundancy situation, the claimant is entitled to minimum notice, which was six weeks in this case. He had received two weeks notice, therefore he is entitled to the remaining four weeks. Accordingly the Tribunal awards the appellant €6,519.40 (six-thousand, five-hundred and nineteen euro, forty cent).

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)