

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee - *appellant*

CASE NO.
RP1017/2008

Against

Employer – *respondent*

Notice Party

XXXX
under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr W. Power
Mr G. Lamon

heard this appeal at Dublin on 11th February 2009 and 25th May 2009

Representation:

Appellant(s) : In Person

Respondent(s) : Ms. Elaine Slattery BL instructed by Ms. Bernie Cotter, Kean, Solicitors, 2 Upper
Pembroke Street, Dublin 2

Notice Party: Mr. Mark Doyle, Actons, Solicitors, Newmount House, 22/24 Lr. Mount St,
Dublin 2

The decision of the Tribunal was as follows:-

Determination:

The respondent sold the “trade” to the notice party on the 30 May 2008 under an “asset purchase agreement”, but the notice party did not purchase the shares in the company. The appellant worked for the notice party after that date.

The notice party informed the appellant that she was being treated as a new employee, that they bought no history and that her service did not stand. She sought a redundancy payment from the respondent, who said that it would be “sorted out” but also sought legal advice. Eventually she referred the matter to the Tribunal.

At the first hearing the Tribunal formed the view that a question of continuity would arise for decision, and adjourned the case to allow the notice party an opportunity to be heard.

The notice party stated in writing that there was no continuity of her employment, but at the hearing their solicitor conceded that, as a matter of law her continuity was preserved.

The Tribunal therefore dismisses the claim as against the respondent, and finds that her continuity of employment is preserved under the notice party.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

