

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

and

Employee

against

Employer

under

CASE NOS

RP394/2008

MN421/2008

RP395/2008

MN422/2008

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms M Petty

Members: Mr J Redmond
Dr A Clune

heard this appeal at Galway on 12th December 2008 & at Loughrea on 23rd March 2009

Representation:

Appellant(s): Ms Martina Weir
SIPTU, Mayo No. 2 Branch, Moneen Road, Castlebar, Co. Mayo

Respondent(s): In person

The decision of the Tribunal was as follows:

Respondent's Case:

Due to severe financial difficulties the respondent company, a co-operative, could not afford to employ appellants after the end of 2007. Due to its financial situation the co-operative could not afford to pay the appellants their redundancy payments. The respondent does not dispute that the appellants' are entitled to a redundancy payment.

Appellants' Case:

The two appellants commenced their employment on the same day, 1st September 1997, as general operatives. On 21st December 2007 both were informed that their employment

would be terminated on 7th January 2008, after their two week Christmas holiday. They were paid the same rate of pay.

Determination:

In respect of both appellants the Tribunal is satisfied that a redundancy situation existed and awards a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of commencement:	1 st September 1997
Date of Termination:	7 th January 2008
Gross Weekly Pay:	€659.88

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

The Tribunal allows the claim under the Minimum Notice and Terms of Employment Acts, 1973 To 2005, and awards the appellants €3959.28 (three thousand, nine hundred and fifty-nine euro, twenty-eight cent) each in respect of six weeks notice.

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)