

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL OF:

Employee

-appellant

CASE NO.

RP39/2009

against

Employer

-respondent

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms O. Brennan BL

Members: Mr J. Goulding

Mr. P. Woods

heard this appeal at Dublin on 12th June 2009

Representation:

Appellant: In person

Respondent: Mr. Alan Barry, Ir/Hr Executive, Ibec, Confederation House,  
84/86 Lower Baggot Street, Dublin 2

**Determination:**

The Tribunal heard evidence from both parties. The Tribunal determines that under the terms and conditions of the contract that the appellant signed up to be with the respondent were as a temporary worker as a carpenter or as a driver. The respondent could only allocate work to the appellant as it was offered to them as an agency. Notwithstanding that, the appellant worked for three and a half years through the respondent agency this could not constitute a contract of employment. The appellant was free at all times to take up other work with another entity. The appellant was free to refuse work offered by the respondent. The Tribunal determines that the claim under the Redundancy Payments Acts, 1967 to 2007, fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)