

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee - appellant

CASE NO.
RP1107/2008

Against

Employer – respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms E Kearney

Members: Mr T Gill
Ms H Henry

heard this appeal at Loughrea on 13th May 2009

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:

Appellant's Case:

The appellant gave evidence that she commenced as a trainee hairstylist in May 2003. Her training lasted until her final exam on 1st September 2008. On 2nd September her employer told her that there was no position for her and her employment was terminated on 27th September 2008. The appellant was unhappy about how long her training had taken and that she had had to wait for an extended amount of time before she could take her final exam. The appellant's P45 stated that the date of termination was 7th October 2008, but she concurred with the respondent that her date of termination was on 27th September 2008.

Respondent's Case:

The managing director (MD) of the respondent company gave evidence that when he took over the company in 2004 he put a structure on the training programme, which wasn't there when the appellant began. Prior to taking their final exam on 1st September 2008 MD told the appellant, and the other trainee taking the exam, that there was no position available for them upon

qualifying. MD was unable to re-issue the appellant's P45 to show the correct date of termination as 27th September 2008.

Determination:

Section 7 (4) of the Redundancy Payments Act, 1967 provides:

“Notwithstanding any other provision of this Act, where an employee who has been serving a period of apprenticeship training with an employer under an apprenticeship agreement is dismissed within one month after the end of that period, that employee shall not, by reason of that dismissal, be entitled to redundancy payment”.

This claim fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)