

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE - *appellant*

RP694/2009

against

EMPLOYER - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K. O'Mahony B.L.

Members: Mr D. Hegarty
Mr D. McEvoy

heard this appeal at Thurles on 29th October 2009

Representation:

Appellant(s) : In Person

Respondent(s) : Mr. John Farrell, IBEC, Confederation House, Waterford
Business Park, Cork Road, Waterford

The decision of the Tribunal was as follows:-

Determination

The appellant was employed by the respondent company as a seasonal worker from October 2000 until 2003. He worked for an 8 to 10 month period each year during those years. He was appointed to a permanent position with the respondent company on the 1st March 2004. He continued working for the respondent in that capacity and, on the 8th April 2005 he applied for and was successful in obtaining a position as an apprentice electrician. In autumn 2007 the respondent initiated a re-structuring programme which was completed by the end of 2007. The respondent, following representation from the appellant's trade union agreed to allow the appellant complete his apprenticeship and by way of letter to the appellant's trade union, confirmed that the appellant's employment would cease with immediate effect once his apprenticeship had been completed. This arrangement was accepted by the appellant's trade union. The appellant remained in employment and completed his apprenticeship on the 6 March 2009 and his employment was terminated on that date.

The Tribunal is of the view that it is bound by section 7.4 of the Redundancy Payments Act 1967 which provides. “[W]here 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”. The Tribunal is satisfied that the appellant was dismissed on the day that he completed his apprenticeship and accordingly finds that the claim under the Redundancy Payments Acts 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

