

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL OF:  
Employee

CASE NO.  
RP1226/2009  
MN1082/2009

Against

Employer

under

**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: Mr. P. O'Leary B L

Members: Mr. M. Flood  
Mr. S. O'Donnell

heard this appeal at Navan on 5th February 2010

**Representation:**

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Appellant: Ms. Lorraine Walsh, Citizens Information Service, 1 Brews Hill, Navan, Co Meath

Respondent: In Person

The decision of the Tribunal was as follows: -

**Respondent's Case**

The appellant was employed with the respondent, an employment agency as a cleaner. The appellant originally worked a few hours, which rose to 22 hours per week. The appellant was assigned to three different companies to work.

In late December 2008 two of the companies informed the appellant she was no longer needed to work for them, this totalled 15-16 hours of the appellant's work. The appellant approached the remaining company and asked them directly if they had any additional hours for her. The remaining company said they did not have any additional hours for her.

A member of the respondent company initially assigned the appellant to her position. After that the appellant received all instruction directly from the companies she worked in, not the respondent. The respondent did not dismiss the appellant; she did not contact the respondent after the companies said they had no further work for her.

The Managing Director of the remaining company the appellant worked for gave evidence to the effect that the appellant resigned as she did not have any hours of work left. On the 9<sup>th</sup> of January 2009 the appellant approached the MD and requested additional hours and when this request

asturned down she said it was not worth working there anymore, as she had no hours left. The MD never contacted the respondent regarding the appellant's resignation.

### **Appellant's Case**

The appellant was employed by the respondent as a cleaner. On the 5<sup>th</sup> of February the appellant got a text from the respondent informing her two of the companies no longer require her services. After the appellant spoke to the remaining company she contacted the respondent who informed her there was no work available for her. The respondent said the appellant was not entitled to Redundancy, as she was a temporary employee.

### **Determination**

The Tribunal finds that the three companies for which the respondent provided the service had no further use for that service. As a consequence the appellant's position with the respondent no longer existed. The respondent did not offer the appellant any alternative employment and therefore the appellant was terminated by way of redundancy. Accordingly, she is awarded a statutory lump sum under the Redundancy Payments Act, 1967 to 2007 based on the following:

Date of Birth:	19 <sup>th</sup> April 1977
Date of Commencement:	13 <sup>th</sup> February 2006
Date of Termination:	8 <sup>th</sup> January 2009
Gross Weekly Wage:	€190.30

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

The Tribunal awards the claimant €380.60 being the equivalent to two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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