

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
RP1233/2009

Against

EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr J. Hennessy
Mr. J. Dorney

heard this appeal at Kilkenny on 15th February 2010

Representation:

Appellant: The appellant in person

Respondent(s): No representation by or on behalf of the respondent

The decision of the Tribunal was as follows:-

Appellant's Case

The appellant told the Tribunal that she was employed full time by the respondent in mid January 2000. She worked two days a week from March 2006. A week prior to 24 October 2008 she was informed that there was no work for her. The respondent initially employed twenty five and only two remained when she left. She was due to commence maternity leave in September 2008.

Her baby was born on 3 October 2008. She had planned to return to work on 6 January 2009 but she did not return due to a maternity related illness.

Determination

Section 22 (1) of the Maternity Protection Act, 1994

“During a period of absence from work by an employee while on

- (a) maternity leave,

- (b) subsection (1) (a) leave, as defined in section 16 (3), or
- (c) leave granted under section 18

and during a period of natal care absence, the employee shall be deemed to have been in the employment of the employer and, accordingly, while so absent the employee shall, subject to subsection (6) and section 24, be treated as if she had not been so absent; and such absence shall not affect any right (other than, except in the case of natal care absence, the employee's right to remuneration during such absence), whether conferred by statute, contract or otherwise, and related to the employee's employment."

The Tribunal is satisfied she remained out of work on health and safety grounds within the meaning of Section 18.

The Tribunal finds that she is entitled to a redundancy payment based on:

Date of birth	21 August 1980
Date employment started	15 January 2000
Date employment ended	24 October 2008
Gross weekly pay	€149.60
Maternity leave	1 September 2008 to 02 March 2009

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

