

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

RP1756/2009

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms E. Kearney

Members: Mr. W. O'Carroll
Ms H. Henry

heard this appeal at Loughrea on 26th of April 2010

Representation:

Appellant : In person

Respondent : In Person

The decision of the Tribunal was as follows: -

Appellant's Case

The appellant had part completed his electricians apprenticeship when he commenced employment with the respondent. The appellant completed two years of his apprenticeship with the respondent but failed to pass the phase 6 exams. The appellant continued to work as an electrician with the respondent until his employment was terminated.

The respondent informed all his staff that work was very slow 2-3 months before the appellant was made redundant. The appellant was given one months notice that there was no further work for him. The appellant asked the respondent for redundancy to which the respondent replied, *'I know nothing about it and don't want to know.'*

Respondent's Case

Due to the downturn in the economy the respondent found himself in severe difficulty and had to make redundancies. The appellant was one of the first people to leave the respondent, as he was not a fully qualified electrician. The respondent received

notification from FAS that the appellant failed his final exams and failed to appear for the repeat exams on two occasions. The final letter of notification from FAS was dated the 28th of June 2007. The appellant continued to work as an electrician after he failed his final apprenticeship exam, being paid the same rate as all the other electricians until his last day on the 10th of April 2009.

The respondent gave the appellant verbal notice that there was no further work for him. The respondent had no knowledge of redundancy prior to this, as the appellant was the first member of staff to make the enquiry. The respondent does not currently have any employees.

Determination:

The Tribunal note the fact that the respondent produced documents to prove his inability to make any redundancy payments.

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”.

The Tribunal finds that the appellant is entitled to a Redundancy Lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of birth	18 th November 1983
Date employment commenced	1 st June 2006
Date employment ceased	10 th April 2009
Gross weekly pay	€475.50

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

