

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

UD1191/2009

MN1199/2009

against

EMPLOYER

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr P. Pierce
Mr. P. Woods

heard this claim at Dublin on 26th May 2010

Representation:

Claimant: The claimant in person

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

The determination of the Tribunal was as follows:-

Claimant's Case

The claimant told the Tribunal that he was employed with the respondent from 10 June 2003 until 15 May 2009 when he was laid off. He had arguments with management regarding safety and the respondent had to cease using cranes, as they were not safe to operate. He had an excellent record with the respondent. There was opportunity to work in the maintenance section, he was not offered that job and he endeavoured to engage with the respondent. He stated that the respondent forced him to take redundancy.

Determination

The claimant was laid off and claimed redundancy which he received some time after 15 May 2009.

Under the Unfair Dismissals Act, 1977 Section 6 4 (c)

“4 without prejudice to the generality of subsection (1) of this section, the dismissal of an employee shall be deemed, for the purposes of this Act, not to be an unfair dismissal, if it results wholly or mainly from one or more of the following:

(c) redundancy of an employee”

It is clear that the provisions in Sections 11 and 12 of the Redundancy Payments Act 1967 were followed and the claimant received his redundancy. His claim under the Unfair Dismissals Acts 1977 to 2007 fails.

The claim under Minimum Notice also fails by virtue of Section 20 of the Unfair Dismissals Act of 1973 which provides:-

“An employee who claims and receives redundancy payment in respect of lay-off or short time shall be deemed to have voluntarily left his employment.”

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

