

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee – appellant

CASE NO.
RP2260/2009

against
Employer – respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D Mac Carthy SC

Members: Mr D Winston
Mr M O'Reilly

heard this appeal at Dublin on 7th July 2010

Representation:

Appellant(s): In person

Respondent(s): Ms Maeve McElwee
IBEC, Lower Baggot Street, Dublin 2

The decision of the Tribunal was as follows:

The appellant was employed on a three-year fixed term contract which was not renewed on its expiry. The reason for non-renewal was “budgetary constraints”.

To be entitled to a redundancy payment an employee must be “dismissed by reason of redundancy”. This involves three elements: a) redundancy, b) dismissal and c) a cause and effect relationship.

It is clear that the “budgetary constraints” involved a cut in staff numbers, and would therefore fall within the definition of redundancy. It is also clear that it was this factor that led to the non-renewal of her fixed term contract.

Dismissal is defined by section 9(1) of the 1967 Act. Definition 9(1) b reads:

“(b) where under the contract under which he is employed by the employer he is employed for a fixed term, that term expires without being renewed under the same or a similar contract”

It is clear that all three elements mentioned above apply in this particular case, and the Tribunal

finds that the appellant is entitled to a redundancy payment based on the following information:

Date of Birth:	14 th May 1983
Date of Commencement:	28 th August 2006
Date of Termination:	27 th August 2009
Gross Weekly Pay:	€513.40

During the hearing the employer's representative conceded that in this particular case the appellant was entitled to a redundancy payment.

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)