

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - appellant

CASE NO.
RP2054/2009

against

EMPLOYER - respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T. O'Mahony BL

Members: Mr. P. Casey
Ms. H. Kelleher

heard this appeal in Cork on 25 June 2010

Representation:

Appellant(s):
In person

Respondent(s):
No attendance or representation

The decision of the Tribunal was as follows:-

The appellant commenced employment with the respondent on 5 January 1991 on gross weekly pay of €530.00. His employment was terminated by reason of redundancy on 15 May 2009. About two years prior to the termination of his employment, the respondent reduced his working time from a five-day to a three-day week and his wages to €352.00 per week.

No evidence was offered at the hearing by or on behalf of the respondent.

Determination

By implication the effect of Section 15 (2B) of the Redundancy Payments Acts 1967 to 2007 is that acceptance by an employee of a substantial reduction in his hours of work or remuneration but that reduction is not to less than one half of his normal working hours or weekly remuneration and that reduction has continued for more than 52 weeks then the employee is taken to have accepted the change as suitable alternative employment for him. Accordingly, the Tribunal finds that the weekly wage for the purposes of a lump-sum payment under the Acts is €352.00.

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal, satisfied that there was a redundancy situation, finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	21 October 1945
Date of commencement:	05 January 1991
Date of termination:	15 May 2009
Gross weekly pay:	€352.00

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)