

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE –**Appellant**

CASE NO.  
RP314/2010

against

EMPLOYER –**Respondent**

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. F. Crawford B.L.

Members: Mr. T. O'Sullivan  
Mr. S. O'Donnell

heard this appeal at Dublin on 21st October 2010

#### **Representation:**

Appellant: Mr. Thomas Faulkner, UCATT, UCATT House,  
56 Parnell Square West, Dublin 1

Respondent: No appearance or representation on behalf of the respondent.

#### **The decision of the Tribunal was as follows:**

Representation for the appellant outlined that the appellant was employed in 2004 by a company (herein after referred to as Company F). It was the appellant's case that under a transfer of undertakings from Company F to the respondent, the respondent employed the appellant on 15<sup>th</sup> November 2008. The respondent was a recruitment agency set up to supply labour to Company F, which was still in operation at that time.

The appellant did not receive a P45 from Company F and there was no change to his terms and conditions with the respondent. A number of documents were opened to the Tribunal including payslips from companies, a P60 document and the appellant's contract of employment with the respondent.

The appellant's employment with the respondent was terminated by reason of redundancy on 13<sup>th</sup> November 2009.

**Determination:**

The Tribunal carefully considered the documentary evidence in this case. It is clear that the appellant received a new contract of employment for his work with the respondent. The contract details a date of commencement for the appellant of 15<sup>th</sup> November 2008 and a probationary period of six months at the outset of his employment.

The Tribunal is not satisfied from the documents submitted that a transfer of undertakings occurred between Company F and the respondent. Accordingly, the Tribunal finds that the appellant does not have the requisite service under the Acts to qualify for a redundancy payment. The appeal under the Redundancy Payments Acts, 1967 to 2007, fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)