

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

- first appellant

CASE NO.
RP2219/2009

EMPLOYEE

- second appellant

RP2220/2009

against

EMPLOYER

- respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. N. Russell

Members: Mr. J. Killian
Ms. S. Kelly

heard these appeals in Waterford on 19 July 2010

Representation:

Appellant(s):

In person

Respondent(s):

No attendance or representation

The decision of the Tribunal was as follows:-

The first appellant sought a redundancy award on the grounds that her employment with the respondent had had begun on 27 May 2002 and had ended on 11 January 2009 by reason of redundancy. She was a tour guide. She claimed that, having worked for the respondent “from 2002

to 2008 (seven seasons)”, she considered herself a full-time employee of the respondent “even though this was seasonal i.e. from end of February/beginning of March to end of October/November/December”.

The second appellant sought a redundancy award on the grounds that her employment with the respondent had had begun on 18 March 2002 and had ended on 11 January 2009 by reason of redundancy. She was also a tour guide. She claimed that, having worked for the respondent “for seven seasons- 2002-2009”, she felt that she was entitled to a redundancy payment. She contended that “she was available also for off-season work”. High season was “Feb/March until Nov/Dec/Jan”. Off-season was “Jan/Feb”. She was always “on call” and available for work for the respondent for seven years.

DMCN on behalf of the respondent’s receiver stated (by letter dated 10 July 2009) to both appellants that their “last signed employment contract with the Company was on the 3rd of March 2008” and that as this was “less than two years old” the receiver would not be making a claim on their behalf “from the Redundancy Payments Scheme”.

Determination:

The Tribunal was unanimous that it was not satisfied that the appellants had sufficient continuity of service under the Redundancy Payments Acts, 1967 to 2007, to give them an entitlement to a redundancy lump sum payment.

The appeals under the Redundancy Payments Acts, 1967 to 2007, fail.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)