

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
RP1103/2010

against

EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T. O' Mahony B.L.

Members: Mr G. Andrews
Mr T. Kelly

heard this appeal at Tralee on 11th April 2011

Representation:

Appellant : Mr Mike Harper, Citizens Information Centre, 35 The Square, Listowel, Co Kerry

Respondent : Liston & Co, Solicitors, 8 Day Place, Tralee, Co Kerry

The decision of the Tribunal was as follows:

The appellant signed form RP50, on 22 February 2010, certifying that he had received a redundancy payment in the sum of €1,835.52, by way cheque, from the respondent. The amount of the payment was based on a two-day week, which he had worked since January 2009. The appellant contended that his lump sum payment should be based on his full week's gross wages, which he had been earning prior to having been put on short time.

The respondent took the view that the appellant was not entitled to the higher redundancy payment as he had been on reduced hours for over a year when he was notified of his redundancy. Besides the appellant had neither objected to being placed on a short-time basis nor sought to be put back into a full time position.

Determination

The respondent's argument that the appellant had not made an objection to the reduction in his hours of work within 52 weeks refers under section 15 of the Principal Act as amended by section 11 of the 1979 Act to cases where there has been a substantial reduction in an employee's hours or remuneration and that reduction is not less than one-half of his normal weekly hours or not less than one-half of his normal weekly remuneration. The Tribunal is satisfied that the appellant is entitled to his lump sum redundancy payment calculated on his full week's gross salary of €480.00. Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 is allowed and the

appellant is awarded a statutory lump sum under those Acts based on the following criteria:

Date of Birth: 13 August 1984
Date of Commencement : 14 November 2005
Date of Termination: 23 February 2010
Gross Weekly wage: €480.00

but with a reduction being made to take account of the amount already paid by the respondent to the appellant in respect of his redundancy.

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)

