

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE A – *appellant*

&
EMPLOYEE B) – *appellant*
RP1566/2010

CASE NO.
RP1565/2010
MN1112/2010
WT475/2010

MN1113/2010
WT476/2010

against
EMPLOYER – *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P O'Leary BL

Members: Mr T O'Sullivan
Mr O Nulty

heard this appeal at Monaghan on 16th May 2011

Representation:

Appellant(s): Ms Siobhan Hegarty-Blacklock
Solicitor
Carrowhatta, Scotstown, Monaghan

Respondent(s): Company representtative

The decision of the Tribunal was as follows:-

A company representative conceded that the appellants were entitled to a redundancy payment, but did not believe that they were entitled to payment in lieu of notice as they had requested to be made redundant. The appellant's were put on lay-off in November 2008. The company did not make the appellants redundant as they hoped to get more work and the appellants had the necessary skills required. A year later the employees asked for a redundancy payment. The company phoned the National Employment Rights Authority and were told to serve the employees with an RP50 form, which they did on November 10th 2009. The company made an error with the dates as they were unsure what date to put down. They did not pay the appellants their redundancy payment. She conceded that the appellant's were owed one week's holiday pay. The appellant's did not serve a RP9 form.

Determination:

Based on the company representative's submission the Tribunal finds that a redundancy situation existed and that the appellants are entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Employee A:

Date of Birth: 23rd March 1963
Date of Commencement: 28th September 1998
Last Day Worked: 19th November 2008
Date of Notice: 10th November 2009
Date of Termination: 22nd December 2009
Weekly Gross Pay: €803.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that a weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

Employee B:

Date of Birth: 7th July 1981
Date of Commencement: 28th September 1998
Last Day Worked: 19th November 2008
Date of Notice: 10th November 2009
Date of Termination: 22nd December 2009
Weekly Gross Pay: €678.39

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that a weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

The company representative conceded the appellants' claim for one week's holiday pay under the Organisation of Working Time Act, 1997, and accordingly the Tribunal awards the Employee A €803.00 (eight hundred and three euro) and Employee B €678.39 (six hundred and seventy-eight euro, thirty-nine cent) in respect of one week's pay under that Act.

The Tribunal awards Employee A €4,818.00 (four thousand, eight hundred and eighteen euro) in respect of six weeks' pay and Employee B €4070.34 (four thousand and seventy euro, thirty-four cent) in respect of six weeks' pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)