

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF: CASE NO.
EMPLOYEE RP385/2011
against *appellant*
EMPLOYER *respondent*
under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr C. Corcoran B.L.

Members: Mr. D. Winston
Mr F. Barry

heard this appeal at Dublin on 28th July 2011

Representation:

Appellant: The appellant in person

Respondent: Ms. Laura Ennis, Liquidator C/O Friel Stafford, 44 Fitzwilliam Place,
Dublin 2

The decision of the Tribunal was as follows:-

Respondent's Case

SMcK told the Tribunal that the appellant commenced employment with the respondent in October 2006 and worked in accounts receivable. On the 14 October 2010 the appellant handed in her notice via e-mail and verbally. She worked two weeks notice and finished with the respondent on the 29 October 2010. The respondent ceased trading on the 1 November 2010 and was liquidated on the 15 November 2010. During this period the appellant contacted her and she asked her to adjust her P45 to state that she left after the respondent closed. The P45 was issued on the day that the appellant left and she did not accede to this request.

In cross-examination when asked if the appellant requested a meeting she replied that the appellant gave her notice verbally and she had found alternative employment on the 1 November 2010. She stated that the appellant asked the payroll division directly for her P45 and the appellant left on Friday and the respondent was liquidated on the following Monday 1 November 2010.

Appellant's Case

The appellant told the Tribunal that she commenced employment with the respondent on 17 October 2006. She undertook work in the French reservations division initially, then as the sales representative for Ireland and for the past two years in the accounts receivable division for France.

Business was difficult due to the financial crisis and employees who had less than two years service with the respondent left. It was very stressful and she had to attend a doctor. Her role in the accounts receivable was to bring money in and she received many complaints from customers as her division did not speak French. She was given an assurance that there would always be a job for her in the respondent. She relayed an occasion where the CEO yelled at her in front of colleagues and told her it was her fault that colleagues were losing their jobs

She decided that she would look at alternative employment options and she asked SMcK if this was a good idea and she told the appellant that she should go for it. The appellant trusted her. She was offered alternative employment in mid October 2010 and she worked her two weeks notice with the respondent. During those two weeks she worked overtime which she was not paid for. On her last day of employment the 29 October 2010 she noticed that the telephones were switched off. She did not receive her P45 on the day she left. She wanted to help out as much as possible prior to her departure. She was not present in the respondent for the announcement regarding redundancy. She was due two days holidays, which she was paid and she was due twenty-nine hours overtime.

Determination

Having adduced all the evidence in this case and taking into account the hours in lieu the appellant worked during her notice period the Tribunal finds that this enabled her to work up to and including the 1 November 2010 which is sufficient for her to succeed in her appeal for redundancy.

The Tribunal awards the appellant a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of birth:	18 February 1978
Date employment commenced	17 October 2006
Date employment ceased	1 November 2010
Gross weekly pay	€639.37

A weekly ceiling of €600.00 applies to all awards made from the Social Insurance Fund.

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)

Sealed with the Seal of the
Employment Appeals Tribunal

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