EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF: CASE NO. EMPLOYEE RP88/2011

against

EMPLOYER under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal (Division of Tribunal)

Chairman: Ms. K.T. O'Mahony BL

Members: Mr. P. Casey

Mr. D. McEvoy

heard this appeal in Cork on 25 November 2011

Representation:

Appellant(s):

Mr. Bill Cogan, Independent Workers Union, 55 North Main Street, Cork

Respondent(s):

No legal representation

The decision of the Tribunal was as follows:-

The appellant claimed that his employment, which commenced on 1 July 2007, ended by reason of redundancy on 6 August 2010. His gross weekly pay was €525.76. Documentation produced on behalf of the appellant shows that his employment commenced on 1 July 2007.

At the Tribunal hearing the respondent's managing director argued that the appellant had been employed on a fixed-term contract and that, because the appellant had not been employed for four years, the appellant had no entitlement to a redundancy lump sum on the expiry of the said contract.

Determination:

Section 9 (1) (b) of the Redundancy Payments Act, 1967, as substituted by section 6 of the Redundancy Payments Act, 2003, provides that the expiry of an employee's fixed term contract under which the employee is employed by the employer, without that term being renewed under the same or similar contract, is a dismissal for the purposes of the Redundancy Payments Act,

1967 to 2007. Accordingly, as there was a dismissal as defined in the substituted section 9 (1) (b) and as the employee has more than the required statutory service to entitle him to a redundancy payment the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and the Tribunal awards the appellant a redundancy lump sum based on the following details:

Date of birth:	4 May 1959
Date of commencement	1 July 2007
Date of termination:	6 August 2010
Gross weekly pay:	€525.76
This award is made subject Social Welfare Acts during	et to the appellant having been in insurable employment under the the relevant period.
Sealed with the Seal of the	
Employment Appeals Tribu	ınal
This(Sgd.)(CHAIRMAN)	