

EMPLOYMENT APPEALS TRIBUNAL

APPPEAL OF:

CASE NO.

EMPLOYEE - **appellant**

RP2979/2010

against

EMPLOYER - **respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms E. Kearney BL

Members: Mr T. L. Gill
Mr T. Brady

heard this appeal at Tullamore on 16 February 2012

Representation:

Claimant:

In person

Respondent:

No appearance by or representation on behalf of the respondent

The decision of the Tribunal was as follows: -

Determination

The appellant was employed from 13 April 2004. The employment was uneventful until 22 December 2008 when the appellant commenced a period of maternity leave. On 25 February the respondent went into liquidation. All the employees received lump sum payments under the Redundancy Payments Acts with an employment ended date of 26 February 2009, the last day of trading. The appellant's position is that her lump sum payment should have been computed with an employment ended date of 22 June 2009, the end of her maternity leave.

Section 24 of the Maternity Protection Acts, 1994 and 2004 provides

“Any notice of termination of employment given in respect of an employee or any suspension from employment imposed on an employee-

- a) *before the receipt by the employee's employer of a notification under section 9, 12, 14, 14B, 15, 15A, 15B, 16 or 16B and*
- b) *before the production for the employer's inspection of a certificate under section 11*

and due to expire during the employee's absence from work on protective leave, during a period of natal care absence or during a period of absence from work to attend ante-natal classes in accordance with section 15A or for breastfeeding in accordance with section 15B shall be extended by the period of such absence."

It follows that for the purposes of the Redundancy Payments Acts the employment ended date for the appellant must be extended to the end of her maternity leave. Accordingly, the Tribunal is satisfied that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth	19 December 1980
Employment commenced	13 April 2004
Employment ended	22 June 2009
Gross weekly pay	€507-93

The Tribunal is cognisant that the appellant has already received a lump sum payment based on an employment ended date of 26 February 2009 and the purpose of this order is merely to extend the appellant's employment ended date from 26 February 2009 to 22 June 2009.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)