

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
EMPLOYEE

CASE NO.  
RP2106/2011  
MN1640/2011

EMPLOYEE

RP2107/2011

MN1641/2011

against  
EMPLOYER

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**  
**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr P. Pierson  
Mr J. Moore

heard this appeal at Cavan on 8th June 2012

Representation:

---

Appellants: Mr Owen McConnon, Cavan Citizens Information, Townhall  
Place, Townhall Street, Cavan, Co Cavan

Respondent: Mr Gareth Kyne, c/o John Barry Management Support Services  
(Irl) Ltd, The Courtyard, Hill Street, Dublin 1

The decision of the Tribunal was as follows:-

Having heard evidence and considered submissions from both parties the Tribunal finds that a transfer of undertakings took place in this case in 2011, consequently the appellants have continuity of service with the current employer for the purpose of redundancy.

The Tribunal find that procedures used in effecting the transfer were lacking and that prior to that actual transfer the appellants were unaware of what was occurring and no information was provided by the respondent as per the Transfer of Undertakings Regulations 2003.

The appeals against the named respondent under the Redundancy Payment Acts, 1967 to 2007 and Minimum Notice and Terms of Employment Acts 1973 to 2005 are dismissed, as the respondent has no case to answer.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

