

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE – **Appellant**

RP1643/2011

against

EMPLOYER –**Respondent**

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms J. McGovern

Members: Mr J. O'Neill  
Mr J. Flannery

heard this appeal at Dublin on 22 August 2012

#### **Representation:**

Appellant:

In person

Respondent:

Ms Anne Byrne, IBEC, Confederation House,  
84-86 Lower Baggott Street, Dublin 2

The determination of the Tribunal was as follows:

The appellant was employed as a project worker in a facility (the facility) of the respondent which provided supported temporary accommodation for the homeless from October 2000. From November 2002 the appellant, who had other employment, changed her status to that of a relief project worker. The employment was uneventful with the appellant working between two and three shifts a week on average.

During 2010, as a result of decisions by the HSE which funded the facility, a decision was taken that the facility would close. The respondent entered into a consultation process with the staff, through their trade unions, in regard to the closure of the facility. Of the 25 full time employees at the facility fifteen of them were redeployed and the remainder took a redundancy package. The respondent offered redeployment to the relief workers at the facility to two other facilities, both of which are within 1.5km of the facility.

The Divisional Director for Personnel (DD) wrote to the appellant on 29 July 2010. In this letter it was suggested that the facility would close at the end of September 2010. In the event the facility did not close until March 2011. This letter set out the proposal for the appellant to transfer to the relief register at the other facilities. The appellant was offered the opportunity to familiarise herself with them.

On 28 September 2010 DD wrote to the appellant to confirm that the facility was to remain open for a further six months. The offer of alternative work was repeated. The appellant's position was that as a part-time worker she should have been offered the option of a redundancy package as had been the case with the full-time employees. Additionally she did not accept that the employment offered at the other facilities constituted suitable alternative work.

**Determination:**

The question as to whether the appellant, as a relief worker, should have been amongst those for whom a redundancy package was an option is not one which this Tribunal has jurisdiction to hear. It is not in doubt that a redundancy situation pertained in the respondent following the closure of the facility. The appellant was offered the opportunity to work in two other facilities both within 1.5km of her existing workplace. The Tribunal is satisfied that the offer of work in the other facilities did constitute an offer of suitable employment which the appellant had unreasonably refused. Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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