

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

EMPLOYEE

- *Claimant*

CASE NO.

RP3206/2010

UD2374/2010

MN2316/2010

Against

EMPLOYER

- *Respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr D. Peakin
Mr N. Dowling

heard this claim at Naas on 17th July 2012

Representation:

Claimant: Mr. Jason Teahan, Coughlan White O'Toole Solicitors, Main Street, Newbridge, Co. Kildare

Respondent: Mr. Pat Kelly, Kelly Co Accountants, 9 Eyre Street, Newbridge, Co Kildare

The determination of the Tribunal was as follows:-

The claimant commenced her hair stylist apprenticeship with the respondent company on the 15th May 2006. On completion of the claimant's apprenticeship the respondent terminated her employment on 14th May 2010. The claimant recommenced working for the respondent company as a qualified stylist two weeks later.

The claimant continued to work for the respondent until October 2010. The respondent held a staff meeting in October and explained to staff that the business situation was poor and he was giving them a choice of 20% pay cut or work one less day per week. A number of employees offered to take a reduction in the number of hours they worked per week. This reduction was not implemented before the claimant's termination of employment. The claimant offered to

reduce her working week by one day per week. The respondent said he would look into it and get back to her.

On 7th October 2010 the respondent wrote to the claimant informing her that as a result of reorganisation of the company's operations her employment was being terminated. The respondent told the claimant that she was being let go because she had less service than the other employees.

Determination

Based on the evidence presented by the claimant and respondent at the hearing the Tribunal finds that a genuine redundancy situation existed. Having established continuity of service in respect of the claimant's employment the Tribunal finds that she is entitled to a redundancy lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following criteria:

Date of Birth:	18 th May 1983
Date of Commencement:	15 th May 2006
Date of Termination:	15 th October 2010
Non Reckonable Service:	15 th May 2010 to 30 th May 2010
Gross Pay:	€346

This award is made subject to the claimant having been in employment which is insurable for all purposes under the relevant Social Welfare Acts.

The claimant withdrew her claim under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

The Tribunal dismisses the claim under the Unfair Dismissals Acts 1977 to 2007, due to the Redundancy Payments Acts 1967 to 2007 and Unfair Dismissals Acts 1977 to 2007 being mutually exclusive.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)