

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
RP1267/2011

Appellant

against
EMPLOYER

Respondent

EMPLOYER

Respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.

Members: Mr. D. Morrison
Ms. R. Kerrigan

heard this appeal at Letterkenny on 7th September 2012

Representation:

Appellant(s) : In Person

Respondent(s) :

The decision of the Tribunal was as follows:-

Background:

The appellant was employed as a part-time cook. She resided on a mountain side. On December 17th 2010 she was unable to get to work because of the large volume of snow. She contacted the respondent and informed her who replied that it was fine. After this she received no more hours. She tried on many occasions to again contact the respondent but could not get to speak to her. Texts were sent by both parties on various dates. The respondent texted that she was wary to put the appellant on the rota as the weather was still bad. The respondent and others covered the shifts. On February 1st 2011 she finally got to speak to the respondent.

Appellant's Position:

The appellant stated that the weather was so severe that she could drive to work during this time. She tried on numerous occasions to ascertain why she was not being rostered but felt she was being ignored. The first time she got to speak to the respondent was on February 1st 2011 and was informed there were no hours for her. The premises opening hours were being reduced

from 8 a.m. to 7 p.m. down to 9 a.m. to 4 p.m. The appellant's shift was 4 p.m. to 7 p.m. She was informed her P45 would be compiled. She did not receive it until February 25th 2011.

Respondent's Position:

The respondent stated the appellant had not attended work at all in December 2010. These shifts had to be covered by other staff as the premises was very busy. She explained other staff lived in the country and they could make it to work. She told the Tribunal that she had been apprehensive to roster the appellant and then not be able to attend work. The appellant requested her P45 after telling the respondent that she had received alternative work.

Determination:

The tribunal has carefully considered the sworn evidence adduced and finds that a redundancy situation occurred in this case as it is common case that the premises opening hours were reduced and it eventually closed up in July 2011. Accordingly, the appellant is entitled to an award based on the following criteria:

Date of Birth: 29 April 2009

Service from: 01 July 2007 to 01 February 2011

Normal weekly remuneration: € 88.00

Non-reckonable service: Nil

This award is subject to the appellant having been in employment which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)