

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF: EMPLOYEE	<i>-Appellant A</i>	CASE NO. RP2479/2010
EMPLOYEE	<i>-Appellant B</i>	RP2480/2010
against EMPLOYER	<i>-Respondent</i>	

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. D. Donovan B.L.

Members: Mr. J. Hennessy
Mr. F. Dorgan

heard this appeal at Waterford on 24th August 2011

Representation:

Appellant: Ms. Ger Malone, SIPTU, Assistant Branch Organiser,
Connolly Hall, Summerhill, Waterford

Respondent: Mr N of the respondent.

The decision of the Tribunal was as follows:

It was the appellants' case that the respondent had incorrectly calculated their redundancy lump sum payments.

The appellants gave evidence that in May 2009, they and other staff members had accepted a wage reduction of 10%. They were informed that the reduction would in time be reviewed and there was also the possibility of a rebate. The appellants' hours of work remained unaffected by the reduction in their pay.

The appellants continued working on the reduced wage until they were subsequently made redundant in June 2010. The respondent calculated their redundancy lump sum payments based on the reduced wage, which the appellants believed to be incorrect.

Determination:

Having carefully considered the evidence adduced at the hearing, the Tribunal finds that the respondent calculated the redundancy lump sums in respect of the appellants in accordance with paragraph 13, Schedule 3 of the Redundancy Payments Act 1967 which provides that normal weekly remuneration shall be taken to be the employee's earnings for his/her normal weekly working hours as at the date on which he/she was declared redundant. As there was no reduction in normal weekly working hours the appellants did not fall to be treated under the reduced working hour's provision of Schedule 3.

The Respondent, therefore, correctly calculated the redundancy lump sums and the claim under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)