

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
RP1216/2011
MN996/2011

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. P. Meghen

Members: Mr. D. Hegarty
Mr. J. Flavin

heard this appeal in Limerick on 19 November 2012

Representation:

Appellant(s):

Mr. John McNamara, John McNamara & Associates, Solicitors,
28 O'Curry Street, Limerick

Respondent(s):

No legal representation

The decision of the Tribunal was as follows:-

The appellant, a trainee hair-stylist, claimed that her employment, which commenced on 15 August 2005, ended without notice by reason of redundancy on 16 December 2010. Her weekly pay was claimed to have been €275.00.

No written defence was received by the Tribunal but the respondent stated at the Tribunal hearing that the appellant had earned €60.00 per day but had only worked two to three days per week. However, it was conceded that the respondent did not have documentation.

It was submitted that the appellant had sought to go part-time, that she had been on maternity leave from 1 June 2010 and that she had been part-time for all of 2010.

It was submitted on behalf of the appellant that she had turned up for work on 16 December 2010 but had found the salon closed. The shutters were down. She had had no warning or notice. No paperwork or redundancy forms were done.

It was stated by the respondent that the landlord had repossessed the premises on 16 December 2010. It was acknowledged that no redundancy (RP50) form had been signed for the appellant. The manager had taken over the salon. The respondent told the Tribunal that he had been just the owner and that the rent had risen hugely such that the staff had gone to part-time. The manager had taken over and had taken all of the staff except the appellant. The respondent felt that he had been forced out.

It was contended on behalf of the appellant that she had got no payslips or P45. The respondent did not dispute this.

Giving sworn testimony, the appellant confirmed that she had worked at the salon from August 2005 to 16 December 2010 without getting payslips or a P45. She stated that her weekly pay had been €275.00.

On 16 December 2010 the manager had told the appellant to go home. She had been a trainee hairdresser but had got no redundancy payment or notice.

Giving sworn testimony, the respondent said that the appellant's P45 had been sent to a government department because the respondent did not have the appellant's address. He stated that the appellant had worked an average of two or three days per week (apart from being on maternity leave from June to November 2010). The respondent was based in Longford. All of the paperwork was taken when the appellant's salon was closed.

Determination:

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal, having carefully considered the evidence, finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	23 January 1989
Date of commencement:	15 August 2005
Date of termination:	22 December 2010
Gross weekly pay:	€275.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to

2005, the Tribunal awards the appellant the sum of €1,100.00 (this amount being equivalent to four weeks' gross pay at €275.00 per week).

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)