

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:  
EMPLOYEE  
EMPLOYEE  
EMPLOYEE -

-*appellant A*  
-*appellant B*  
*appellant C*

CASE NO.  
RP1797/2011  
RP1798/2011  
RP2153/2011

against

EMPLOYER  
under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J. Fahy B.L.

Members: Mr T. Gill  
Ms H. Murphy

heard this appeal at Galway on 23rd November 2012

#### **Representation:**

Appellants : In person  
No representation listed and no show from *appellant C*

Respondent : No representation listed

The Tribunal is satisfied that the respondent was properly notified of this hearing.  
Neither the respondent nor a representative on its behalf appeared for this hearing.

The Tribunal is satisfied appellant C was properly notified of this hearing.  
Neither that appellant nor a representative on his behalf appeared for this hearing.

The decision of the Tribunal was as follows

Section 15 2B (b) of the Redundancy Payments Act, 1967 as amended by the 1979 Act reads as follows:

*Where the employee temporarily accepts the reduction in remuneration or hours of work and indicates his acceptance to his employer, such a temporary acceptance for a period not exceeding 52 weeks shall not be taken to be an acceptance by the employee of an offer of suitable employment in relation to him.*

The appellants in these cases continued to work under a temporary agreement in excess of fifty-two

weeks' albeit under protest and in the continuing expectation that their working week would eventually be restored to their former permanent full time status.

In considering these cases the Tribunal finds, on balance, that the ongoing objections by the appellants to their changed working hours and wages were sufficient to allow their appeals and awards appellants A and B statutory lump sums under the above Acts, and based on the following:

	<i>appellant A</i>	<i>appellant B</i>
Date of Birth:	18 June 1957	11 March 1966
Date of Commencement:	10 February 1999	05 March 2005
Date of Termination:	22 January 2011	22 January 2011
Gross Weekly Wage:	€695.00	€576.92

Statutory lump sum payments have been discharged and accepted by the appellants in these cases, and as follows:

*appellant A*-€9843.40  
*appellant B*-€4423.80

A statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

These awards are made subject to the appellants being in insurable employment during the relevant period under the appropriate Social Welfare Acts.

*Appellant's C* appeal under the Redundancy Payments Appeals, 1967 to 2007 is dismissed for want of prosecution.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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