

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE

CASE NO.  
RP2030/2011, MN1574/2011  
WT594/2011

against

EMPLOYER

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**  
**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**  
**ORGANISATION OF WORKING TIME ACT, 1997**

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:**

Appellant: In person

Respondent : No representation listed

The decision of the Tribunal was as follows:

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 appeals under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and the Organisation of working Time Act, 1997 were withdrawn at the outset of this hearing.

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 appellant in this case continued to work on a temporary agreement in excess of fifty-two weeks

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

In considering this case the Tribunal finds on balance that the ongoing objections by the appellant to his changed working hours and wages were sufficient to allow his appeal under the Redundancy Payments Acts, 1967 to 2007. Accordingly, the Tribunal awards the appellant a statutory lump sum under the above Acts, and based on the following:

Date of Birth: 26 June 1980  
Date of Commencement : 25 April 2006  
Date of Termination: 22 January 2011  
Gross Weekly Wage: €500.00

A Statutory lump sum payment in the amount of €3079.97 has been discharged and accepted by this appellant in this case.

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

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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