

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP511/2012

Against

EMPLOYER – respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. O'Leary BL

Members: Mr C. Lucey
Mr F. Keoghan

heard this appeal at Dublin on 9th July 2013

Representation:

Appellant(s): In person

Respondent(s):

The decision of the Tribunal was as follows:-

The appellant was employed by the respondent company at a café in Malahide, North County Dublin. The licence agreement was not renewed on the premises in 2011. A director gave evidence that she relocated to a different premises in Phibsboro, Dublin. The company also operated a café in Parnell Square. No meeting was held to discuss the move of staff to the new café though there was no mention of any staff losing their jobs. The director brought the appellant and other employees to the new café and asked for their opinion.

Shortly before the café closed down the appellant told the director that she did not intend on relocating to the new café and requested a redundancy payment. The director stated that there were jobs to go to. The appellant gave evidence that she could not relocate to either Phibsboro or Parnell Square, though the second was not specifically offered, due to travel costs, travel time and childcare for her young child. The director explored relocating a staff member from the Parnell Square café to Phibsboro in order to facilitate the appellant, but she did not inform the appellant of this. The director did not seek to further discuss the appellant's reasons for not

moving to the new café. The appellant was replaced.

Determination:

Having considered all of the evidence the Tribunal finds that no reasonable alternative was offered to the appellant. Accordingly, the Tribunal is satisfied that a redundancy situation occurred and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth:	25 th October 1985
Date of Commencement:	19 th January 2004
Date of Termination:	21 st November 2011
Weekly Gross Pay:	€350.63

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

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)