

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

(*appellant*)

CASE NO.
RP400/2012

Against

EMPLOYER

(*respondent*)

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Revington S.C.

Members: Mr W. Power
Mr. J. Dorney

heard this appeal at Dublin on 28th June 2013

Representation:

Appellant(s) :

Respondent(s) : No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:

The claimant commenced her hairdressing apprenticeship with the respondent in September, 2007. The apprenticeship was due to be completed by September, 2011 but the claimant asked for an extension of time as she did not feel confident enough. The claimant wanted an extra month or so to gain more experience and the respondent agreed to a time extension.

The claimant told the Tribunal that she completed her apprenticeship in November, 2011 as per reference written by the respondent. At a meeting in November, 2011 the respondent congratulated her on completion of her apprenticeship. Her employment was terminated on 7th January, 2012 having been given notice on 4th January, 2012. The claimant submitted that she is entitled to a redundancy payment.

Under cross-examination, the claimant stated there was no agreement as to a time period as regards completion of her apprenticeship but that she was ready in November. The respondent told her that they could talk about an increase in wages in January, 2012. When she asked the respondent for a reference he asked her what he should put into it and she told him a completion date of apprenticeship as November, 2011 as this was the true date. She asked about her redundancy on the final day of employment.

The respondent told the Tribunal that in November, 2011 he agreed to an extension of the apprenticeship on an open ended basis. There was no agreement as to a time frame. He did not congratulate the claimant in November as regards completion of her apprenticeship. His impression was that the claimant would continue the apprenticeship until Christmas eve. When the claimant asked him for a reference she asked him to state November, 2011 for completion of apprenticeship. He issued the reference to the claimant in good faith. The redundancy issue arose after he had issued the reference.

The respondent submitted that the claimant was not entitled to a redundancy payment as her apprenticeship was not completed until Christmas eve of December, 2011 and she was let go within one month of completion date. The respondent was not aware of the redundancy legislation at this point.

Determination

Having considered the evidence of both parties, the Tribunal prefers the evidence of the appellant and awards the appellant her statutory entitlement to redundancy based on the following information:

Date of birth:	9 th September, 1989
Date of commencement:	10 th September, 2007
Date of termination:	7 th January, 2012
Gross weekly pay:	€383.54

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)