

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
RP178/2008, MN210/2008

Against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Ms J. Winters
Ms M. Mulcahy

heard this appeal at Dublin on 12th June 2008

Representation:

Appellant : In person

Respondent : No representation listed

The decision of the Tribunal was as follows:

Respondent's Case

The managing director and a project manager gave evidence on behalf of this archaeological survey company. The respondent accepted that the appellant was an employee of theirs for the duration of her employment. The witnesses confirmed that she commenced employment with the respondent on a contractual basis in August 2004 and that this employment ceased in March 2007. The project manager informed the appellant on 8 March 2007 that work would end in a week's time. That manager also told the appellant that there was no more work available to her following that date. The respondent understood, however, that the appellant was applying for work elsewhere and had ongoing plans to take time off to go travelling and therefore did not seek to place her in another possible position. However, there was no available work for her after that date. The company's position was that the appellant left of her own accord.

Appellant's Case

The appellant accepted that she could have received notice of the termination of employment on 8 March 2007. She also stated that the respondent informed her that there was no further work available to her beyond 16 March. While she was considering going travelling before that date she only took practical steps to undertake overseas journeys subsequent to the cessation of her employment.

Determination

It was common case that the appellant had in excess of two years continuous service with the respondent as an employee. Her contract of employment was purpose based and when that ended the position she held was made redundant. Having considered the adduced evidence the Tribunal is satisfied that the appellant's termination of employment was by way of redundancy. The appeal under the Redundancy Payments Acts, 1967 to 2003 is therefore allowed and the appellant is awarded a statutory sum based on those Acts and the following criterion:

Date of Birth: 25 February 1975
Date of Commencement: 15 August 2004
Date of Termination: 16 March 2007
Gross Weekly Wage: €910.00

A statutory weekly ceiling of €600.00 applies under those Acts.

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 is allowed and the appellant is awarded €910.00 as compensation for one week's notice.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

