

Redundancy – After Lay-Off

In the case of G4S Secure Solutions (Ireland) Ltd and Stanek RPD186 being a Redundancy Payment Act claim the case involved an employee who had been placed on lay off. The employee was placed on lay off on 3 November 2016. This continued for a period of more than 4 weeks. On 14 December 2016 he served notice in writing upon the employer under Section 12 (1) (b) of his intention to claim statutory redundancy. The employee submitted that on 21 December he wrote to the Respondent to advise that no counter notice had been received in accordance with Section 13 (1) (b).

The employer contended that efforts have been made from 15 November onwards to contact the employee by phone to offer him work but such efforts were unsuccessful because he was uncontactable. The employer accepted that a notice of intention to claim had been received on the 14 December 2016. They also accepted that no counter notice in writing had been issued to the employee as specified in Section 13 (2) or at all.

The Labour Court in this case set out that the Act is very clear in respect of matters before the Court. The Court stated that it was common case that the employee had complied with the requirements of Section 12 (1) (b). The Court also held that it was common case that the employer did not comply with the requirement of the Act in Section 13 (2).

In those circumstances the Labour Court overturned the decision of the AO and decided that the employee was entitled to redundancy.

This case is a timely reminder of the importance of the employer serving the counter notice. It is not sufficient to phone the employee.

The counter notice must be served on the employee.