

EMPLOYMENT APPEALS TRIBUNAL

Claim Of:
Employee
RP469/2006
against

Employer
under

Case No.
UD926/2006

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003 UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr. J. Reid
Mr. J. Dorney

heard this claim at Dublin on 12th March 2007

Representation:

Claimant: Mr. John Murphy, Construction Branch, SIPTU, Liberty Hall, Dublin 1

Respondent: No appearance or representation.

The determination of the Tribunal was as follows:

Appellant's case:

The Tribunal heard that the appellant had previously brought a claim to the Rights Commissioner under the Payment of Wages Act, 1991. The appellant had been carrying out the duties of a construction operative but was paid the minimum wage (€7.65). The Rights Commissioner's Decision stated that the appellant should have been paid as a construction operative under the Registered Employment Agreement (REA). This entitled the appellant to the first stage of the Construction Operative's scale (€13.48). The appellant's representative undertook at the hearing to forward a copy of the Registered Employment Agreement to the Tribunal. The Tribunal heard that the date on the P-45 as issued by the respondent was incorrect and that the appellant's employment had in fact ended on the 20 June 2006. The Tribunal heard that the company is now in liquidation.

Determination:

The Tribunal determines that the appellant was dismissed by reason of redundancy. Accordingly, the Tribunal determines that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2003, based on his continuous service and the following

information:

Date of Birth: 17 September 1986
Date of Commencement: 1 August 2003
Date of Termination: 20 June 2006
Gross Pay: €525.72

The claim under the Unfair Dismissals Acts, 1977 to 2001 was withdrawn during the course of the hearing.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)