

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

Employee

WT34/2007

Against

UD139/2007

Employer

under

ORGANISATION OF WORKING TIME ACT, 1997 UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. E. Daly B.L.

Members: Mr. C. Ormond
Ms M. Maher

heard this claim at Dublin on 29th June 2007

Representation:

Claimant(s): Mr. Michael Binchy BL instructed by Mr. Mark Tiernan, Tiernan & Co., Solicitors,
144 Lower Baggot Street, Dublin 2 and
Mr. Bart Symkow, Tiernan & Co. Solicitors 144 Baggot Street, Dublin 2

Respondent(s) No representative or attendance by or on behalf of the respondent.

The determination of the Tribunal was as follows:-

Claimant's Case

The claimant told the Tribunal that he was told the first week in July of 2006 that the respondent had no work for him and he was told to take holidays for three to four weeks and return to Poland.

The manager requested his Polish telephone number and he told the claimant that he would contact him as soon as possible. He was told that after three to four weeks that there would be a job for him. The claimant returned to Poland in July 2006 and he extended his holidays. He returned to Ireland on 4 September 2006. On his return to Ireland the claimant worked for the respondent for two days. He was told to contact the foreman and no one could tell him what was going on. The claimant worked fifty five hours a week and he also drove a bus for six months. He earned €12 per hour until February 2006 and he then earned €14 per hour. The claimant obtained alternative employment one and a half weeks later.

Determination

On the uncontested evidence of the claimant the Tribunal finds that he was unfairly dismissed. The claimant is entitled to €1,155.00 compensation under the Unfair Dismissals Acts, 1977 to 2001. The Tribunal heard evidence from the claimant that he did not receive any holiday pay and payment for bank holidays so he is therefore entitled to compensation in lieu of twenty days holidays totalling €3080.00 and €1386.00 in lieu of nine bank holidays under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

