

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
Employee

CASE NO.
MN55/2007 WT21/2007

against

Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr D. Moore
Mr. C. Ryan

heard these claims in Dublin on 31 May 2007

Representation:

Claimant(s) :
Ms. Geraldine Lockhart, Lockhart & Co., Solicitors,
7 Annesley Bridge Road, Fairview, Dublin 3

Respondent(s) :
No legal representation

The decision of the Tribunal was as follows:-

Claimant's Case

Following a conversation between the claimant and the respondent's managing director on Wednesday 17 May 2006 about the claimant's wanting to bring forward a planned holiday in the U.S., the claimant went to work on Monday 22 May 2006 and found that his job was gone. The claimant's employment with the respondent had commenced in June 2004. The claimant's gross weekly pay was €563.58.

The claimant sought from the Tribunal an award under the Minimum Notice and Terms of Employment Acts, 1973 to 2001, and an award under the Organisation of Working Time Act, 1997, which covers holidays.

Respondent's Case

The respondent's managing director told the Tribunal that the claimant had had a long-standing problem with timekeeping and absenteeism and that the conversation on 17 May 2006 had been "the last straw" given that the claimant had wanted to leave the country immediately to get away from the claimant's girlfriend's jealous "ex-fella". The managing director did not dispute the figure of €563.58 as being the claimant's gross weekly pay but said that the claimant had received all the holidays he was due.

Determination:

Under the Minimum Notice and Terms of Employment Acts, 1973 to 2001, the Tribunal finds that the claimant was entitled to a minimum notice payment and awards him the sum of €563.58 (this amount being equivalent to one week's gross pay) under the said legislation.

The claim under the Organisation of Working Time Act, 1997, is dismissed. Given that the claimant's employment was over on 22 May 2006, the Tribunal sees no reasonable cause why the claim under this Act was not received by the Tribunal until 18 January 2007 i.e. after more than the six months provided for by the Act for the bringing of such claims.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)