

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL(S) OF:**

Employee

Employee

MN120/2007

**CASE NO.**

MN119/2007

RP82/2007

RP83/2007

against

Employer

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. E. Daly B.L.

Members: Mr. D. Winston  
Mr B. McKenna

heard this appeal at Dundalk on 30th October 2007

**Representation:**

Appellant(s) : Mr. Ed Kenny, SIPTU, Security Services Branch, Liberty Hall, Dublin 1

Respondent(s) : XXXX

The decision of the Tribunal was as follows:-

**Respondent's Case:**

The representative for the respondent stated that all monies in respect of redundancy payments and minimum notice had been paid to all employees. In the appellants' cases they stated that he had been paid redundancy and minimum notice during the period from May 5<sup>th</sup> 1998 to October 6<sup>th</sup> 2006.

**First-Named Appellant's Case:**

The first-named appellant stated that he had commenced employment with the first in a line of four security companies on March 1<sup>st</sup> 1995. The contract was taken over by a second security company on May 5<sup>th</sup> 1998. He stated that a transfer of undertakings took place and produced a letter from the second security company confirming the transfer of undertakings.

**Second-Named Appellant's Case:**

The second-named appellant stated that he had commenced employment with the first in a line of four security companies on June 1<sup>st</sup> 1995. The contract was taken over by a second security company on May 5<sup>th</sup> 1998. He stated that a transfer of undertakings took place and produced a letter from the second security company confirming the transfer of undertakings.

**Determination:**

**First-named Appellant**

The Tribunal is satisfied that a transfer of undertakings took place between 1995 and 1998 and therefore the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2003, based on the following criteria:

Date of Birth:	February 11 <sup>th</sup> 1964
Date of Commencement:	March 1 <sup>st</sup> 1995
Date of Termination:	May 4 <sup>th</sup> 1998
Gross Weekly Pay:	€ 561.36

The Tribunal awards the appellant €1,122.72 (being the equivalent of two weeks' wages) as his statutory entitlement under the Minimum Notice & Terms of Employment Acts, 1973 to 2001.

**Second-named Appellant**

The Tribunal is satisfied that a transfer of undertakings took place between 1995 and 1998 and therefore the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2003, based on the following criteria:

Date of Birth:	December 23 <sup>rd</sup> 1974
Date of Commencement:	June 1 <sup>st</sup> 1995
Date of Termination:	May 4 <sup>th</sup> 1998
Gross Weekly Pay:	€ 561.09

The Tribunal awards the appellant €1,122.18 (being the equivalent of two weeks' wages) as his statutory entitlement under the Minimum Notice & Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)