

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

CASE NO.

UD1101/2006

MN725/2006

against
3 Employers

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Mr M. Murphy
Mr O. Nulty

heard this claim at Navan on 5th October 2007

Representation:

Claimant(s) : Mr. Dermot G. Byron, Rogers & Byron, Solicitors, Cannon Row, Navan, Co. Meath

Respondent(s) : Not present or represented

The determination of the Tribunal was as follows:-

Neither the respondent nor any representation was present at the hearing on October 5th 2007.

Claimant's Case:

She stated that she commenced employment with the respondent in March 2004, Angela C was her employer but she stated that Ann C was her supervisor and told her what to do. She had no problems working for the respondent until June 26th 2006.

On June 26th 2006 she attended work at 10am. After some time she felt sick and informed her supervisor who told her to go to her house and lie down. When she felt better, she rang her supervisor who picked her up from the house and returned to work. Again she began to feel ill, was subsequently sick so her supervisor sent her home. The supervisor told another member of staff (the claimant's partner's sister) to tell the claimant to take the following day off.

On June 28th 2006 she attended work at 10am. Some hour and a half later she again felt ill. She went to speak to her supervisor who got very angry and asked why she had not rang her earlier to tell her she (the claimant) was ill. As the claimant went to collect her bag she heard her supervisor

tell her employer that would get some one to cover the claimant's work for a week.

A few days later she discovered, having had a test, that she was pregnant which confirmed why she had been so ill. On Saturday July 6th 2006 she contacted her supervisor to tell her of her news and was told to take a few more days off. The following morning a tragedy occurred. Two members of her partners' family plus a good friend were killed in a car accident. On Monday July 8th her partner's sister, and work colleague, contacted their supervisor to inform her of what had happened. The supervisor was not there but she spoke to her employer and told her they (she and the claimant) would have to go to Meath for a week. The employer told her it was not a problem.

On the evening of Saturday July 15th 2006 the claimant contacted her supervisor. She was informed that her and her partner's sister's positions were filled but that there could be some work for her in 3 or 4 weeks.

The claimant gave evidence of loss and stated that she had been earning €320 per week with the respondent. She had also moved from Meath to Cork since her dismissal. When asked, she stated that she had acquired a job in September 2007.

Determination:

Based on the uncontested evidence the Tribunal finds that the claimant was unfairly dismissed. The Tribunal awards her the sum of € 16,000 under the Unfair Dismissals Acts, 1977 to 2001.

Loss having been established the Tribunal awards the sum of € 532.50, this being two weeks gross pay, as set out in the P45, under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)