

EMPLOYMENT APPEALS TRIBUNAL

Appeal Of:
Employee

Case No.
RP531/2006

MN671/2006

WT323/2006

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003 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. D. MacCarthy S. C.

Members: Mr. J. Browne
Mr. P. Trehy

heard this appeal at Wexford on 28th August 2007

Representation:

Appellant: Cllr. Billy Hynes, 48 Davitt Road South, Wexford

Respondent: No appearance or representation

The Tribunal is satisfied that the above respondent was properly notified of this hearing. Neither the respondent nor a representative on her behalf appeared for this hearing.

The decision of the Tribunal was as follows:

Appellant's Case:

The appellant worked for the respondent since August 2000. The appellant worked twenty hours per week, Monday to Friday, 10am to 2pm. The appellant commenced maternity leave on the 10 August 2005. She was due to return to work on the 14 December 2005 but was unable to for medical reasons. The appellant met with the respondent and explained why she was on sick leave. The appellant offered to get a doctor's letter for the respondent but the respondent stated there was no need. The appellant kept in contact with the respondent.

On the 7 September 2005 the appellant heard that the respondent was closing the business the

following day. The appellant made contact with the respondent who assured her that the accountant would pay the appellant what she was owed. The appellant has not received any of her entitlements to date. She has attempted to contact the respondent several times but to no avail.

The appellant also wrote to the respondent outlining that she was owed a week in hand, sixteen days holiday pay, four weeks notice and a redundancy lump sum. The appellant has not received her P-45 to date.

Determination:

The Tribunal award the appellant a lump sum payment under the Redundancy Payment Acts, 1967 to 2003, based on the following criteria:

Date of Birth:	27 March 1969
Date of Commencement:	1 August 2000
Date of Commencement of Maternity Leave:	10 August 2005
Date Due to Return to Work/ Commencement of Sick Leave:	14 December 2005
Date of Termination:	8 September 2006
Gross Weekly Pay:	€152.00

The Tribunal find that the appellant does not have an entitlement under the Minimum Notice and Terms of Employment Acts, 1973 to 2001, as she was ill at the time the respondent's business closed.

The Tribunal award the appellant the sum of €486.40 (being the equivalent of sixteen days holidays) under the Organisation of Working Time Act, 1997.

The Tribunal has no jurisdiction under the above acts to order the respondent to pay a week in hand to the appellant.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

