

## EMPLOYMENT APPEALS TRIBUNAL

COMPLAINT OF:

Employee

I3/2007

CASE NO.

against the decision of The Minister for Enterprise & Employment  
in the case of :

Employer

under

### **PROTECTION OF EMPLOYEES (EMPLOYERS' INSOLVENCY) ACTS, 1984 TO 2001**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. M. Levey

Members: Ms J. Winters  
Ms. E. Brezina

heard this complaint at Dublin on 13th November 2007

#### **Representation:**

Complainant :

In person

Respondent : XXXX Insolvency Payments Section, Room 112,  
Davitt House, 65a Adelaide Road, Dublin 2

The declaration of the Tribunal was as follows:

#### **Complainant's Case**

The witness confirmed he commenced employment with the National Healthcare Distribution Limited on 20 February 2006 and that his employment ceased on 8 May 2006. His hours of work were 9.00 am to 5.30 pm five days a week. The witness accepted he worked for less than thirteen continuous weeks with that employer. However, he had accrued certain holiday entitlements that he had not exercised prior to his termination of employment.

#### **Respondent's Case**

The respondent acknowledged the complainant's dates of commencement and termination and indicated that in the absence of an official liquidator the insolvency section was unable to reimburse the complainant's holiday entitlements. However, an Order from the Tribunal could rectify that situation subject to statutory limitations.

**Determination**

Under the Employees (Employers' Insolvency) Acts, 1884 to 2001, the Tribunal declares that the complainant is entitled to:

2.7 days at the basic rate of €865.57 gross per week for outstanding holidays which amounts to approximately €465.56

That amount is subject to a statutory weekly ceiling of €600.00 gross wage. The net amount may be reduced as a result of that ceiling.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

