

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

MN91/2007

against

2 Employers

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr E. Murray

Members: Mr. M. Forde
Mr J. McDonnell

heard this claim at Cork on 15th November 2007

Representation:

Appellant :
In person

Respondent :
Mr. Ruairi O'Cathain, 30 South Terrace, Cork

The decision of the Tribunal was as follows:-

At the outset the legal representative for the respondent made an application to adjourn the hearing of this case as his client was out of the country for a family event. He agreed that his application was at very short notice given that the appellant was present and ready to present his case.

The Tribunal having considered the application decided to proceed with the case in the interest of fairness and since the adjournment application was not made within the required time frame as laid down by the Tribunal.

Appellant's case:

The appellant commenced his employment with the respondent as a general operative in February 1999. In July 2003 the respondent gave notice of redundancy, however a few days later the appellant and a plasterer were told they were being kept on. After this the appellant worked full time until 15th December 2006 when the respondent said the firm was closing down. The appellant was given two weeks notice at this time and is now claiming the balance of two weeks notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Determination:

On the uncontested evidence of the appellant he had over six years service with the respondent and is entitled to four weeks notice under the Minimum Notice and Terms of Employment Acts, 1973 to 200, however since he has been paid two weeks notice by the respondent he is now being awarded the balance of a further two weeks pay which amounts to €1,456.34 under the said Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

