

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
Employee

CASE NO.
MN48/2007
UD69/2007
WT17/2007

Against

2 Employers

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
ORGANISATION OF WORKING TIME ACT, 1997
UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath

Members: Mr J. Horan
Mr S. Mackell

heard this claim at Naas on 9th April 2008

Representation:

Claimant(s) :

Mr. Tom O'Dwyer, Assistant Branch Organiser, Dublin
Services Branch, S I P T U Liberty Hall, Dublin 1
Mr. John Flannery, Branch Organiser, Dublin Services
Branch, S I P T U, Liberty Hall, Dublin 1

Respondent(s) :

No representation or appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

Determination

The tribunal is satisfied that exceptional circumstances existed which prevented the claimant from bringing his claim in the first six months period after the termination of his employment. The Tribunal is further satisfied that the claimant initiated the appropriate process within the twelve months period and accordingly extends the time for making the application.

In relation to the claim for Unfair Dismissal the Tribunal finds that the claimant succeeds in his

claim and the Tribunal awards him €1280.00.

The respondent failed to give one clear weeks notice to the claimant as is his entitlement and the Tribunal finds this should have been given. The claimant's claim under the Minimum Notice Acts succeeds and the Tribunal awards him €320.00

The Tribunal accepts the uncontradicted evidence put forward by the claimant in relation to the Organisation of Working Time Act and in making an award based on calculations provided in oral evidence the Tribunal finds that the claimant was paid flat rates and given no credit for Public Holidays, Sundays and Overtime. In addition the claimant was not paid Holiday Pay. The Tribunal awards the sum of €7500.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

