

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

Employee

CASE NO.

RP326/2007

MN497/2007

against

Employer

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2003
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001**

I certify that the Tribunal

(Division of Tribunal)

Chairman: Mr J. Fahy BL

Members: Mr. B. O'Carroll

Mr P. Clarke

heard this claim at Roscommon on 14th March 2008

Representation:

Appellant :

Mr. Anthony McCormack, Siptu, Sligo Branch, Hanson Retail
Park, Cleveragh, Sligo

Respondent: No appearance or representation

Determination:

There was no appearance or representation for the Respondent. The Tribunal is satisfied that proper notification was sent to the Respondent. Based on the uncontested evidence the Tribunal is satisfied that a redundancy situation pertained and finds that the claimant was dismissed by the Respondent by reason of redundancy.

N.B. The Tribunal heard evidence and examined documentation- pay slips etc., to the effect that the employees pay was not in accordance with the Agricultural Workers Joint Labour Committee Employment Regulation Order pursuant to Section 48 of the Industrial Relations Act, 1990; specifically 26th January 2006, and the provisions of the National Minimum Wage Act, 2000 (National Minimum Hourly Rate of Pay) Order, 2005.

The Gross weekly pay has been calculated based on the above and the evidence from the employee that she/he worked 50 hours per week and that they ceased employment in December 2006: (€8.12 per hour).

Accordingly, the Tribunal awards the Claimant a statutory redundancy lump sum under the Redundancy Payments Acts, 1967 to 2003 and based on the Claimant's continuous service and the following information:

Date of Commencement: 01st February 1991
Date of Termination: 18th December 2006
Gross Weekly Wage: €406.00

The Tribunal is satisfied on the basis of evidence that the employment terminated without notice. Therefore loss being established, the Tribunal award the Claimant eight weeks payment in lieu of notice in the amount of €3,248.00, under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

