

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:  
Employee

CASE NO.  
RP362/2007  
MN548/2007

WT232/2007

against

2 Employers

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 J. Fahy BL  
Members: Mr. B. O'Carroll  
Mr. P. Clarke

heard this appeal at Roscommon on 14th March 2008

Representation:

Appellant: Cullen, Solicitors, Main Street, Carrick On Shannon, Co. Leitrim

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 26<sup>th</sup> 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 October 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: 25<sup>th</sup> May 2002

Date of Termination: 11<sup>th</sup> October 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 two weeks payment in lieu of notice in the amount of €812.00, under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

The claim under the Organisation Of Working Time Act, 1997, succeeds and the Tribunal awards the Claimant the sum of € 3,654.00, in lieu of holiday pay and public holidays.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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