

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee

CASE NO.
RP63/2008, UD68/2008
MN54/2008, WT38/2008

Against

Employer

Under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003
UNFAIR DISMISSALS ACTS, 1977 TO 2001
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: Mrs M. Quinlan

Members: Mr J. Browne
Mr N. Broughall

heard this claim at Wicklow on 7th May 2008

Representation:

Claimant : Mr Frank Semple, 3/A The Boulevard, Quinsboro Road, Bray, Co. Wicklow

Respondent : Sean O Ceallaigh & Co, Solicitors, The Old Bank, Phibsborough, Dublin 7

The determination of the Tribunal was as follows:

Claimant's Case

The claimant commenced employment with the respondent in September 2004. During the course of that employment he was never furnished with a contract of employment or payslips. Due to financial difficulties by the employer the claimant's employment was terminated. His position as a window fitter was not replaced.

Respondent's Case

The owner of this establishment said the entity involved itself in the fitting of doors, windows, and conservatories to residential premises. As a result of an action from the revenue commissioners on his business in July 2007 the witness was unable to access funds to operate his business, which included paying the claimant. He accepted that the claimant's employment finished without much

notice and that he did not offer him further work. The owner also admitted not furnishing a contract of employment to the claimant and rarely giving him payslips. However, he insisted that he did not dismiss the claimant and his colleagues but accepted that he “let them go”.

Determination

Based on the brief oral evidence the Tribunal is satisfied that the claimant’s employment was terminated by the respondent by way of redundancy. Accordingly his appeal under the Redundancy Payments Acts, 1967 to 2003, is allowed and the appellant is awarded a statutory amount based under those Acts and based on the following:

Date of Birth: 5 March 1975
Date of Commencement: 15 September 2004
Date of Termination: 23 July 2007
Gross Weekly Wage: €500.00

Since a dismissal by way of redundancy is deemed to be fair it follows that the claim under the Unfair Dismissals Acts, 1977 to 2001 must fail.

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 succeeds and the claimant is awarded €1000.00 as compensation for two weeks’ notice.

No compelling evidence was produced to support the appeal under the Organisation of Working Time Act, 1997 and as a consequence the appeal under that Act fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

