

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

Employee

CASE NO.

RP106/08
MN115/08
WT68/08

Against

2 Employers

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2003**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr L Tobin
Mr J Dorney

heard this appeal at Dublin on 27th May 2008.

Representation:

Appellant: Mr James Coughlan, SIPTU, Liberty Hall, Dublin 1.

Respondents: No appearance by or on behalf of the respondents.

The decision of the Tribunal was as follows: -

Determination:

There was no appearance by or on behalf of the respondents. The Tribunal is satisfied that the respondents were properly on notice of the hearing.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 succeeds and the Tribunal awards the appellant €1380.00 being the equivalent of two weeks pay.

The Tribunal is also satisfied that the appellant did not receive his entitlement to nine public holidays nor his statutory annual leave entitlement which amounts to a further twenty days. The claim under the Organisation of Working Time Act, 1977 succeeds and the Tribunal awards the appellant the sum of €1242.00 being the equivalent of nine public holidays and €2760.00 being the equivalent of twenty days annual leave entitlement.

Accepting the appellant's uncontroverted evidence, the Tribunal finds that the claim under the Redundancy Payments Acts, 1967 to 2003 succeeds and the appellant is awarded a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of Birth:	13 th July 1980
Date of Commencement:	1 st March 2005
Date of Cessation:	5 th June 2007
Date of Termination:	19 th June 2007
Gross Weekly Wage:	€690.00

The Tribunal finds that the first named respondent failed to adequately identify to the appellant which of the respondents were the employer, and in particular, failed to identify to the appellant during the period of his employment whether the second named respondent had taken on the role of employer of the appellant and therefore the Tribunal makes the award against both respondents with joint and several liability.

It should be noted that a statutory weekly ceiling of €600.00 currently applies to payments from the Social Insurance Fund.

These awards are made subject to the appellant fulfilling current social welfare requirements in relation to PRSI contributions.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)