

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee

CASE NO. MN372/2007

against
Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J O'Connor

Members: Ms M Sweeney
Mr K O'Connor

heard this claim at Killarney on 23rd June 2008

Representation:

Claimants: Mr. Gearóid T. Ryall, Mannix & Co Solicitors, 12 Castle Street, Tralee, Co Kerry

Respondent: Frank O'Connor & Co Solicitors, Upper Main Street, Dingle, Co. Kerry

The decision of the Tribunal was as follows:

The claimant was employed by the respondent company for over fifteen years. Upon discovering that the claimant was to open her own business, also in the jewellery trade, the two directors of the company phoned the claimant to express their concerns over a conflict of interest between the parties. During the phone call, on loudspeaker, the claimant agreed to leave the company based on the premise that she would get paid what she was entitled to, which one of the Directors said she would receive. The Tribunal believes that neither party fully understood the meaning of the language used in reference to the claimant's entitlements, and one of those entitlements was minimum notice. The Tribunal finds that the claim under the Minimum Notice and Terms of Employment Act succeeds and awards the claimant €5,933.44 (five thousand, nine hundred and thirty-three euro, forty-four cent).

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

