

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

MN436/2008

against

WT200/2008

2 Employers

under

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: Ms. P. McGrath

Members: Mr. M. Noone
Ms. E. Brezina

heard this claim at Dublin on 11th September 2008

Representation:

Claimants: Mr. Michael McNamee B.L., instructed by:
Ms. Kelly S Pollard, DAS Group, 12 Duke Lane, Dublin 2

Respondent: No appearance or representation

The decision of the Tribunal was as follows:

Claimant's case:

The claimant gave evidence that he started work for the company on 26 February 2007, and received an average of €1,268.72 gross pay per week. He said that he finished work on 17 November 2007, and was not given the correct notice. He also said that he had not taken any holidays but had been paid two weeks holiday pay. He felt he was due some holiday pay, but this was based on his knowledge of the holiday entitlements that were available to an employee in the UK.

Determination:

The Tribunal finds that the requisite statutory notice was not given to this employee, and awards him €1268.72 (being the equivalent of one week's gross pay) under the Minimum Notice

nd Terms of Employment Acts, 1973 to 2001.

The Tribunal cannot interfere with the arrangements reached between employer and employee with respect to holiday payments made without annual leave having been taken.

Having considered the oral evidence of the employee, and in the absence of any evidence to the contrary, the Tribunal will allow one day's holiday pay, and therefore awards him €253.74 under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

