

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:  
5 Employees

CASE NO.  
MN1002/2008  
WT447/2008  
MN1003/2008  
WT448/2008

MN1004/2008  
WT449/2008

MN1005/2008  
WT450/2008  
MN1006/2008

WT451/2008

against  
Employer

under

### **MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J Fahy

Members: Mr B O'Carroll  
Mr P Clarke

heard this claim at Ballaghaderreen on 15th December 2008

Representation:

Claimants: Mr. Anthony McCormack, SIPTU  
Sligo Branch, Hanson Retail Park, Cleveragh, Sligo

Respondent: No appearance or representation

The decision of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing. Neither he, nor a representative on his behalf, appeared for this case.

The first claimant gave evidence that after returning from his summer holidays in 2007 he only received part of his wages and was promised money by the respondent. However, after eight weeks he and the other claimants discontinued their work for the respondent, as they weren't being paid. The first claimant rang the respondent and told him that he and the other claimants would not continue to work without pay. The respondent did not respond to any messages. The first

claimantsaid he received €100.00 per week for his holidays.

The remaining four claimants gave evidence that they did not receive any pay for annual leave nor did they get notice of termination of their employment.

Determination:

Having considered the uncontested evidence of the claimants, the Tribunal finds that the claim under the Organisation of Working Time Act, 1997 succeeds and makes the following awards:

Claimant 1) €2,800.00  
Claimant 2) €1,500.00  
Claimant 3) €2,560.00  
Claimant 4) €2,300.00  
Claimant 5) €1,500.00

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, fails, as the claimants did not establish that they had been dismissed from the employment.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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