

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

Employee

MN607/2008

RP570/2008

WT278/2008

Employee

MN608/2008

RP571/2008

WT279/2008

against

Employer

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 K. Buckley

Members: Mr. M. Forde
Mr J. McDonnell

heard this appeal at Cork on 21st January 2009

Representation:

Appellant :

Mr Colm O'Rourke, Ahern Roberts O'Rourke Williams, Solicitors,
The Old Rectory, Cork Road, Carrigaline, Co. Cork

Respondent :

Not present or represented

The decision of the Tribunal was as follows:-

At the outset the claims under the Organisation of Working Time Act, 1997 and the Minimum Notice and Terms of Employment Acts, 1973 to 2001 were withdrawn by the claimant's legal representative.

Both employees had been employed by the respondent XXXX since 1999. On 8th March 2008 the business was transferred to XXXX. On 12th March 2008 the employees were told that XXXX had purchased all of the assets of the company and both employees were assured that they were covered under the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003. Their employment was terminated on 18th April 2008 when the respondent advised the employees that they would be re-locating premises and would no longer have a base in Cork. XXXX became a UK incorporated company and changed its name to XXXX on 2nd June 2008.

A Liquidator was appointed to XXXX ("the company") on 3rd April 2008. In correspondence from the Liquidator he stated that the sale of the company was completed prior to the Liquidation.

The legal representative asked that any order of the Tribunal be made against XXXX.

Determination:

The Tribunal is satisfied that in the case of both employees their employment ended by reason of redundancy and they are entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2003 based on the following:

The first named employee

Date of Birth	3 rd October 1964
Date employment commenced	4 th April 1999
Date employment ended	23 rd April 2008
Gross weekly salary	€350

The second named employee

Date of Birth	27 th October 1961
Date employment commenced	4 th April 1999
Date employment ended	18 th April 2008
Gross weekly salary	€285

Please note that these awards are being made subject to the employees having been in insurable employment under the Social Welfare Acts during the relevant period.

The claims under the Organisation of Working Time Act, 1997 and the Minimum Notice and

Terms of Employment Acts, 1973 to 2001 were withdrawn.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

