

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NOS.

Employee

- *claimant*

UD871/2008  
WT359/2008

against

Employer - *respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2001 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. J. Sheedy  
Members: Mr. D. Hegarty  
Mr. J. McDonnell

heard this claim at Cork on 2 March 2009.

Representation:

Claimant: Mr. Patrick McCarthy, Solicitor, 2<sup>nd</sup> Floor, Hanover House,  
85 – 89 South Main Street, Cork.

Respondent: No appearance or representation.

The determination of the Tribunal was as follows:-

The Tribunal is satisfied that the respondent was properly notified of the hearing. The representative for the claimant told the Tribunal that the business was not longer trading at the address where the claimant had been employed. The Tribunal decided to hear the claims.

#### **Claimant's Case**

The claimant is a chef. He trained with a Michelin chef. He worked for about 8 years in London. He found the position with the respondent through a web site. The position involved training staff and developing the business. There was no interview.

He came to Youghal in May 07. At first he and his staff were painting and installing equipment. When the restaurant opened it did very well. There were difficulties with the respondent. She did not want to spend money on the rather basic kitchen. Also she did not listen to his advice that there were too many items on the menu, making stock control hard.

From January 08 there were problems with his pay. He was often paid late or only part paid. Then

a kitchen porter was let go and not replaced. The claimant had to do the cleaning up as well as the cooking. He could not discuss his difficulties with the respondent because she would get upset and leave. He had no alternative but to resign.

### **Determination**

Based on the uncontradicted evidence of the claimant the Tribunal finds that the claimant's job reduced, he experienced difficulties obtaining his pay and his approaches to the respondent were unproductive. The claim under the Unfair Dismissals Acts, 1977 to 2001 succeeds. The Tribunal makes an award of €10,000.00.

The claim under the Organisation of Working Time Act, 1977 succeeds. The Tribunal makes an award of €615.38 being one week's pay.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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