

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

-Claimant A

CASE NO.

UD1407/2008

RP1250/2008

MN1342/2008

Employee

-Claimant B

UD1408/2008

RP1251/2008

MN1343/2008

Employee

-Claimant C

UD534/2009

RP556/2009

MN549/2009

against

Employer

-Respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal

(Division of Tribunal)

Chairman: Mr. E. Murray

Members: Mr. J. Hennessy
Ms. H. Kelleher

heard this claim at Waterford on 8th September 2009

Representation:

Claimants: Mr. Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot Street, Dublin 1

Respondent: The Managing Director of the company.

The determination of the Tribunal was as follows:

At the outset of the hearing the claimants' representative withdrew the claims under the Unfair Dismissals Acts, 1977 to 2007.

The Managing Director of the company stated that the claimants' employment terminated by reason of lay-off. However, as no further work became available after the period of lay-off the Managing Director accepted the claimants were entitled to a redundancy payment. He stated that due to financial difficulties the company was unable to pay redundancy.

The Managing Director stated that in the case of Claimant A and B he had provided them with notice of the lay-off but had not paid them for the notice period.

Claimant C gave evidence that he was informed on Monday, 20th October 2008 that his employment would terminate at the end of the week. He worked the remainder of the week and received payment for his week's work. The Managing Director agreed that Claimant C was due one further week's notice.

Determination:

The Tribunal awards the claimants a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Claimant A:

Date of Birth:	11 th September 1961
Date of Commencement:	8 th September 2006
Date of Termination:	28 th October 2008
Gross Weekly Pay:	€593.00

This award is made subject to the claimant having been in insurable employment under the Social Welfare Acts during the relevant period.

Under the the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards Claimant A the sum of €1,186.00 (being the equivalent of two weeks gross pay).

Claimant B:

Date of Birth:	17 th June 1982
Date of Commencement:	8 th September 2006
Date of Termination:	28 th October 2008
Gross Weekly Pay:	€608.00

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

This award is made subject to the claimant having been in insurable employment under the Social Welfare Acts during the relevant period.

Under the the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards Claimant B the sum of €1,216.00 (being the equivalent of two weeks gross pay).

Claimant C:

Date of Birth:	25 th April 1961
Date of Commencement:	11 th August 2006
Date of Termination:	24 th October 2008
Gross Weekly Pay:	€600.00

This award is made subject to the claimant having been in insurable employment under the Social

Welfare Acts during the relevant period.

Under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards Claimant C the sum of €600.00 (being the equivalent of one weeks gross pay).

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)