

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL(S) OF:**

EMPLOYEE – *appellant 1*

EMPLOYEE – *appellant 2*

EMPLOYEE – *appellant 3*

EMPLOYEE – *appellant 4*

EMPLOYEE – *appellant 5*

EMPLOYEE – *appellant 6*

**CASE NO(S).**

RP1324/2008 & MN1423/2008

RP1325/2008 & MN1424/2008

RP1326/2008

RP1327/2008 & MN1425/2008

RP1328/2008 & MN1426/2008

RP1332/2008 & MN1430/2008

against

EMPLOYER – *respondent*

under

**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. P. O'Leary B L

Members: Mr. C. Ormond  
Mr. P. Trehy

heard this appeal at Dublin on 21st October 2009

**Representation:**

Appellant(s): Mr. Andrew McGuinness, SIPTU, Construction Branch, Liberty Hall,  
Dublin 1

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:-

**Determination:**

The Tribunal was satisfied that the respondent was duly notified of the hearing. However, there was no appearance by them, or representation on their behalf.

Based on the uncontested evidence, the Tribunal finds that the appeals under the Redundancy Payments Acts, 1967 to 2007 succeed and awards the appellants a redundancy lump sum, which is to be calculated on the basis of the following criteria:

**(Appellant 1) (Rp1324/2008)**

Date of birth: 27 November 1962  
Date of commencement: 20 September 2004  
Date of termination: 24 November 2006  
Gross weekly wage: €1087.00

**(Appellant 2) (Rp1325/2008)**

Date of birth: 22 January 1941  
Date of commencement: 16 November 2004  
Date of termination: 14 June 2007  
Gross weekly wage: €960.00

**(Appellant 3) (Rp1326/2008)**

Date of birth: 04 April 1967  
Date of commencement: 27 July 2004  
Date of notice: April 2007  
Date of termination: 15 May 2007  
Gross weekly wage: €1158.00

**(Appellant 4) (Rp1327/2008)**

Date of birth: 26 December 1963  
Date of commencement: 27 July 2004  
Date of termination: 17 February 2007  
Gross weekly wage: €1158.00

**(Appellant 5) (Rp1328/2008)**

Date of birth: 16 July 1967  
Date of commencement: 27 July 2004  
Date of termination: 08 December 2006  
Gross weekly wage: €1040.00

**(Appellant 6) (Rp1332/2008)**

Date of birth: 05 July 1955  
Date of commencement: 27 September 2004  
Date of termination: 08 December 2006  
Gross weekly wage: €800.00

The appeals under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 also succeed and the Tribunal awards the equivalent of two week's gross pay for outstanding notice entitlements to each appellant as follows:

**Appellant 1** – (Mn1423/2008) – the sum of €2174.00

**Appellant 2** – (Mn1424/2008) – the sum of €1920.00

**Appellant 4** – (Mn1425/2008) – the sum of €2316.00

**Appellant 5** – (Mn1426/2008) – the sum of €2080.00

**Appellant 6** – (Mn1430/2008) – the sum of €1600.00

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

statutory weekly ceiling of €600.00 applies to all payments from the Social Insurance Fund.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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