

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - appellant

CASE NO.
RP58/2009
MN76/2009
WT32/2009

against

EMPLOYER - respondent

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
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: Ms. K.T. O'Mahony BL

Members: Mr. P. Casey
Mr. K. O'Connor

heard this appeal in Cork on 16 September 2009

Representation:

Appellant(s) :

Mr. Noel Murphy, National Secretary, Independent Workers
Union, 55 North Main Street, Cork

Respondent(s) :

No attendance or representation

The decision of the Tribunal was as follows:-

The Tribunal was satisfied that the respondent was duly notified of the hearing.

Appellant's Case

The appellant worked as a fitter for the respondent. On Friday 21 November 2008 the respondent informed the appellant that he would have to let him go that evening. Two other employees had been let go the previous week. Five other employees were let go when the appellant was let go. The

workforce had been reduced from fourteen to three employees.

The appellant had taken two weeks holidays in 2008.

Determination:

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant is entitled to a redundancy lump sum based on the following:

Date of birth:	14 March 1966
Commencement date:	01 August 2003
Termination date:	21 November 2008
Gross weekly pay:	€925.00

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 appellant 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 the appellant the sum of €3,700.00 (this amount being equivalent to four weeks' pay at €925.00 per week).

Based on the appellant's evidence that he had taken two weeks holidays the Tribunal awards him the sum of €1,480 (this amount being equivalent to eight days gross pay at €925.00 per week) under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)