

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:	CASE NO.
EMPLOYEE – <b>First Named Claimant</b>	UD1250/2009 RP1425/2009 MN1251/2009
EMPLOYEE – <b>Second Named Claimant</b>	UD1253/2009 RP1428/2009 MN1253/2009 WT552/2009
EMPLOYEE – <b>Third Named Claimant</b>	UD1254/2009 RP1429/2009 MN1254/2009

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**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Dr. A-M. Courell B.L.

Members: Mr. D. Morrison  
Mr. T. J. Gill

heard these claims at Sligo on 12 March 2010

### **Representation:**

Claimant:

Ms. Anne Roberts, Sligo Citizen Information Service Limited,  
8 Lower John Street, Sligo

Respondent:

Ms. Anne Hickey, Solicitor, Wine Street, Sligo

The determination of the Tribunal was as follows:

**Determination:**

The managing director (MD) of the respondent informed the claimants, who had been employed for between nine and eighteen years, that they were on temporary lay-off from 13 February 2009 in a letter, dated the previous day. On 26 May 2009 all three claimants wrote to MD to seek confirmation of their positions with the respondent. When the claimants received no reply to their requests they lodged the within claims which were received by the Tribunal on 9 June 2009. During the hearing the claims under the Unfair Dismissals Acts were withdrawn and the respondent conceded the fact of redundancy. The Tribunal is satisfied that the claimants are entitled to lump sum payments under the Redundancy Payments Acts, 1967 to 2007, having been laid-off for more than four consecutive weeks, based on the criteria contained in the following schedule.

<b>Claimant</b>	<b>Claim No.</b>	<b>Date of Birth</b>	<b>of Employment Started</b>	<b>Employment Ended</b>	<b>Weekly Pay</b>
<b>First Named</b>	RP1425/2009	22/12/1954	10/10/1999	09/06/2009	€486-00
<b>Second Named</b>	RP1428/2009	30/05/1946	09/07/1990	09/06/2009	€486-00
<b>Third Named</b>	RP1429/2009	20/11/1958	12/12/1992	09/06/2009	€486-00

These awards are made subject to the appellants having been in insurable employment under the Social Welfare Acts during the relevant period.

There were periods of non-reckonable service, by reason of lay-off, in the case of all three claimants from 13 February 2009 until 9 June 2009.

The claims under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fail as there is no entitlement to notice pay when claiming redundancy by reason of lay-off.

The claim of the second named claimant under the Organisation of Working Time Act, 1997 was withdrawn during the hearing.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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