

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - Appellant 1

CASE NO.
RP375/2009
MN374/2009

EMPLOYEE - Appellant 2

RP376/2009

EMPLOYEE - Appellant 3

RP377/2009

EMPLOYEE - Appellant 4

RP378/2009

EMPLOYEE, - Appellant 5

MN378/2009

against

Adams Childrenswear Limited, - respondent
C/O Pricewaterhousecoopers LLP,
Cornwall Court, 19 Cornwall Street,
Birmingham B3 2DT

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 L. Ó Catháin

Members: Mr D. Hegarty
Ms. P. Doyle

heard these appeals in Cork on 13 November 2009

Representation:

Appellant(s) :

Ms. Caroline Clifford, Mandate Trade Union,
IBS House, 1-2 Emmet Place, Cork City

Respondent(s) :

No attendance or representation

The decision of the Tribunal was as follows:-

Appellant 1 sought redundancy and minimum notice payments on the basis that she had worked for the respondent from 1 February 2005 to 26 January 2009 when her employment ended without notice by reason of redundancy. She had worked eighteen hours per week for the respondent for a gross weekly pay of €223.96.

Appellant 2 sought redundancy and minimum notice payments on the basis that she had worked for the respondent from 13 September 2000 to 26 January 2009 when her employment ended without notice by reason of redundancy. She had worked twenty hours per week for the respondent for a gross weekly pay of €248.85.

Appellant 3 sought redundancy and minimum notice payments on the basis that she had worked for the respondent from 24 January 2005 to 26 January 2009 when her employment ended without notice by reason of redundancy. She had worked twenty hours per week for the respondent for a gross weekly pay of €231.00.

Appellant 4 sought a redundancy payment on the basis that she had worked for the respondent from 16 September 2001 to 26 January 2009 when her employment ended without notice by reason of redundancy. She had worked twenty hours per week for the respondent for a gross weekly pay of €248.85.

The Tribunal was informed that the claim of Appellant 5 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, was withdrawn.

No evidence was offered by or on behalf of the respondent.

Determination:

Appellant 1

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

Date of birth: 08 August 1952
Date of commencement: 01 February 2005

Date of termination: 26 January 2009
Gross weekly pay: €223.96

In addition, the Tribunal awards the first-named appellant the sum of €447.92 (this amount being equivalent to two weeks' gross pay at €223.96 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Appellant 2

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

Date of birth: 18 August 1959
Date of commencement: 13 September 2000
Date of termination: 26 January 2009
Gross weekly pay: €346.55

In addition, the Tribunal awards the second-named appellant the sum of €995.40 (this amount being equivalent to four weeks' gross pay at €248.85 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Appellant 3

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

Date of birth: 21 February 1968
Date of commencement: 24 January 2005
Date of termination: 26 January 2009
Gross weekly pay: €231.00

In addition, the Tribunal awards the third-named appellant the sum of €462.00 (this amount being equivalent to two weeks' gross pay at €231.00 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Appellant 4

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

Date of birth: 29 January 1981
Date of commencement: 16 September 2001
Date of termination: 26 January 2009
Gross weekly pay: €248.85

In addition, the Tribunal awards the fourth-named appellant the sum of €995.40 (this amount being equivalent to four weeks' gross pay at €248.85 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The redundancy awards above are made subject to the appellants having been in insurable employment under the Social Welfare Acts during the relevant periods.

Appellant 5

The Tribunal notes that the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, by the fifth-named employee was withdrawn.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)