

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

*EMPLOYEE- appellant 1*

*EMPLOYEE- appellant 2*

*EMPLOYEE- appellant 3*

*EMPLOYEE- appellant 4*

CASE NO.

RP1013/2009

MN919/2009

WT390/2009

RP1014/2009

MN920/2009

WT391/2009

RP1015/2009

MN921/2009

WT392/2009

RP1016/2009

MN922/2009

WT393/2009

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: Mr D. Herlihy

Members: Mr. W. O'Carroll  
Mr T. Kelly

heard this appeal at Limerick on 13th May 2010

#### **Representation:**

\_\_\_\_\_

Appellants: Mr. Mark Quinn, SIPTU, 4 Church Street, St John's Square, Limerick

Respondent: No appearance or representation on behalf of

#### **Appellant's Case**

The appellant's worked for the respondent as truck drivers. The appellant's presented themselves for work as normal on Monday the 26<sup>th</sup> of March 2009. On entering the respondent premises the appellants discovered all the trucks were gone. The appellants attempted to contact the respondent but did not receive any response. The appellants eventually got in contact with the respondent's accountant who issued them their P45's.

## **Determination**

The Tribunal find that the appellants were made redundant on the 26<sup>th</sup> of March 2009. By letter dated the 1<sup>st</sup> of August 2009 the respondent informed the Tribunal that the company had ceased trading as a result of lack of work and could not sustain the appellants employment.

### **Appellant 1**

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

Date of Birth:	30 <sup>th</sup> July 1960
Date of Commencement:	15 <sup>th</sup> July 2006
Date of Termination:	26 <sup>th</sup> March 2009
Gross Weekly Pay:	€725.40

The award is based on the appellant having been in insurable employment during this period. It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

The Tribunal also finds that appellant 1 is entitled to his statutory Holiday entitlements, therefore awards the appellant the sum of €580.32 being the equivalent of 4 days pay under the Organisation of Working Time Act, 1997.

The Tribunal allow the appeal under the Minimum Notice and Terms of Employment Acts 1973 to 2005 and awards the appellant €1450.80 being the equivalent of 2 weeks pay.

### **Appellant 2**

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

Date of Birth:	17 <sup>th</sup> February 1961
Date of Commencement:	7 <sup>th</sup> May 2004
Date of Termination:	5 <sup>th</sup> April 2009
Gross Weekly Pay:	€725.00

The award is based on the appellant having been in insurable employment during this period. It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

The Tribunal also finds that appellant 2 is entitled to his statutory holiday entitlements, therefore awards the appellant the sum of €580.00 being the equivalent of 4 days pay under the Organisation of Working Time Act, 1997.

The Tribunal allow the appeal under the Minimum Notice and Terms of Employment Acts 1973 to 2005 and awards the appellant €1450.00 being the equivalent of 2 weeks pay.

### **Appellant 3**

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

Date of Birth: 3<sup>rd</sup> April 1950  
Date of Commencement: 14<sup>th</sup> October 2004  
Date of Termination: 26<sup>th</sup> March 2009  
Gross Weekly Pay: €755.57

The award is based on the appellant having been in insurable employment during this period. It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

The Tribunal also finds that appellant 3 is entitled to his statutory holiday entitlements, therefore awards the appellant the sum of €604.00 being the equivalent of 4 days pay under the Organisation of Working Time Act, 1997.

The Tribunal allow the appeal under the Minimum Notice and Terms of Employment Acts 1973 to 2005 and awards the appellant €1471.14 being the equivalent of 2 weeks pay.

### **Appellant 4**

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

Date of Birth: 6<sup>th</sup> July 1951  
Date of Commencement: 4<sup>th</sup> May 2004  
Date of Termination: 5<sup>th</sup> April 2009  
Gross Weekly Pay: €750.00

The award is based on the appellant having been in insurable employment during this period. It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

The Tribunal also finds that appellant 4 is entitled to his statutory holiday entitlements, therefore awards the appellant the sum of €600.00 being the equivalent of 4 days pay under the Organisation of Working Time Act, 1997.

The Tribunal allow the appeal under the Minimum Notice and Terms of Employment Acts 1973 to 2005 and awards the appellant €1,500.00 being the equivalent of 2 weeks pay.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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