

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

EMPLOYEE

- claimant

CASE NO.

UD1533/09
RP1729/09
MN1521/09

Against

EMPLOYER

- respondent

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr. R. Prole
Mr C. Ryan

heard this claim at Dublin on 29th July 2010.

Representation:

Claimant: Mr. Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot
Street, Dublin 1

Respondent: In person.

The determination of the Tribunal was as follows:-

The claims under the Unfair Dismissals Acts, 1977 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 were withdrawn during the hearing.

Claimant's Case:

The claimant commenced employment on 24th July 2006 as a General Operative. He worked on a project on the Clarehall site. His rate of pay was €15.50 per hour. When he arrived for work on 27th April 2009 he spoke to his foreman. The claimant together with his colleagues were owed wages. At approximately 10 o'clock on 27th April 2009 he telephoned the MD and was told no work was available for him. He left the company then and attended an interview that afternoon for a job and

secured work on the same site working for a new contractor the following day.

His P45 issued to him the next day. He never requested his P45.

Respondent's Case:

The respondent was engaged in construction work. Work was sub contracted to them from Company P. There was a delay in payments being made from company P that resulted in outstanding wages owing to the claimant and his colleagues. The MD spoke to the claimant and his colleagues on Friday, 24th April 2009 and said that the money would be lodged to their bank accounts on 27th April 2009. That morning the claimant and his colleagues staged a sit-in in the canteen and then he and his colleagues walked off the site. The claimant terminated his own employment.

At no stage had the respondent asked the claimant to leave his employment. When the respondent arrived on site the following day he spoke to the claimant. He was working for a new sub contractor on the same site. The claimant requested his P45.

Determination:

The Tribunal carefully considered the evidence adduced at the hearing. The claimant walked off the site on 27th April 2009 and secured work with a new contractor the following day. The Tribunal finds that the claimant terminated his employment by requesting his P45. No redundancy situation existed in the company.

The claim under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)