

**-EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
EMPLOYEE – *appellant*

CASE NO.

RP2479/2009

&  
EMPLOYEE – *appellant*

RP2480/2009

against

EMPLOYER – *respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr D Mac Carthy SC

Members: Mr D Winston  
Mr M O'Reilly

heard this appeal at Dublin on 7th July 2010

Representation:

\_\_\_\_\_

Appellant(s): In person

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:

There was no appearance by or representation on behalf of the respondent company. The Tribunal is satisfied that the respondent company was on notice of the hearing.

The appellants both worked at the respondent company's Chinese restaurant. They commenced together on March 1<sup>st</sup> 2001. The first named appellant was employed as a chef and the second named appellant was employed as a waitress. The restaurant operated on the first floor of a hotel. The appellants were provided with two meals per day. Tips were kept in a box which the employer counted every night. He shared the tips every week between all the staff.

In November 2008 the restaurant closed for a month and then reopened under a new name in a retail unit beside the hotel. The retail unit was owned by the hotel and consisted of a ground level group of shops. Their employer did not tell them that they were moving the restaurant and did not

pay them a redundancy payment. The owners did not take any of the staff from the old restaurant to the new one.

Determination:

The Tribunal finds that a redundancy situation existed. In addition to their basic wage the appellants also received two meals per day and tips and the Tribunal assess their total weekly remuneration at €375.00. The Tribunal finds that the appellants are each entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Ref: RP2479.09

Date of Birth:	30 <sup>th</sup> August 1967
Date of Commencement:	1 <sup>st</sup> March 2001
Date of Termination:	2 <sup>nd</sup> November 2008
Weekly Gross Pay:	€375.00

Ref: RP2480.09

Date of Birth:	3 <sup>rd</sup> November 1975
Date of Commencement:	1 <sup>st</sup> March 2001
Date of Termination:	2 <sup>nd</sup> November 2008
Weekly Gross Pay:	€375.00

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

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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