

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE - *Claimant A*

CASE NO.  
MN2057/2009  
WT656/2010

EMPLOYEE - *Claimant B*

MN2058/2009  
WT657/2010

against

EMPLOYER  
&  
EMPLOYER  
&  
EMPLOYER  
&  
EMPLOYER - *Respondent*

under

### 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. MacCarthy S C

Members: Mr. J. Browne  
Mr. A. Butler

heard this claim at Wexford on 29th June 2010

#### **Representation:**

Claimants: In Person

Respondents: No appearance or representation on behalf of the respondents.

#### **The decision of the Tribunal was as follows:**

On Friday, 7<sup>th</sup> August 2009 the claimants were provided with P45s, without prior notice. At that time the claimants were the last two remaining employees. They had last been paid in May 2009. The respondent had employed approximately 40-50 employees.

The claimants stated that it was evident from the section 10 of their T1A forms that they were claiming holiday pay and they provided the Tribunal with details of their outstanding holiday entitlements.

**Determination:**

The Tribunal is satisfied from the details given in section 10 of the T1A form that the respondent company was on notice of the claimants' intention to claim holiday pay before the Tribunal. Accordingly, the Tribunal awards Claimant A the sum of €1,760.00 (being the equivalent of eleven days gross pay) under the Organisation of Working Time Act, 1997. The Tribunal awards Claimant B the sum of €1,584.00 (being the equivalent of eleven days gross pay) under the same Act.

The Tribunal finds that Claimant A is entitled to €800.00 (being the equivalent of one week's gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal finds that Claimant B is entitled to €720.00 (being the equivalent of one week's gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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