

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
EMPLOYEE

-claimant

CASE NO.
UD2092/2009

RP2346/2009
MN1951/2009

WT888/2009

Against

EMPLOYER

-respondent

Under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
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 P. O'Leary

Members: Mr T. O'Sullivan
Mr O. Nulty

heard this appeal at Cavan on 27th January 2011

Representation:

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

Respondent: In person

The claims under the Unfair Dismissals Acts, 1977 to 2007 and the Organisation of Working Time Act, 1997 were withdrawn at the outset.

Background

The claimant commenced employment with the respondent, a building contractor on the 22nd of August 2006. The respondent had no work available for the claimant so he went on an agreed extended summer holiday for 6 weeks on the 11th of July 2009. The respondent offered the claimant employment on his return but at a much lesser rate of pay; €100.00 per week. The respondent reduced his prices so could no longer afford to pay the claimant's wages at his original rate of pay. The respondent conceded that the claimant did not get his two weeks Minimum Notice entitlement.

Determination

The Tribunal find that the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and

awards the claimant a redundancy lump sum based on the following criteria:

Date of Birth:	8 th November 1967
Date of Commencement:	22 nd August 2006
Date of Termination:	1 st September 2009
Gross Weekly Pay:	€684.00

This award is made subject to the claimant having been in insurable employment during the period.

Please note all payments from the Social Insurance Fund are subject to a statutory ceiling of €600.00.

The Tribunal find that the appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and awards the claimant €1,368.00 being the equivalent to two weeks minimum notice.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)