

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

MN2143/2009

claimant
against

UD2309/2009

EMPLOYER

EMPLOYER

under

respondent

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr C. Corcoran B.L.

Members: Mr R. Murphy
Ms M. Maher

heard this claim at Dublin on 31st January 2011

Representation:

Claimant(s): The claimant in person

Respondent(s): No representation or attendance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

Claimant's Case

The claimant told the Tribunal that he was employed with the respondent for sixteen years and he worked as a supervisor/manager in the assembly area. Employees were on a three-day week in 2009 and he hoped that this situation would improve. He attended a meeting on 29 April 2009. The director FD told employees the respondent was not doing well and that he could not afford to pay employees. The claimant asked when the respondent was closing and he was told on Friday. He was not prepared for that. FD stated that if the respondent was awarded a contract that employees would be back in work.

FD told employees that they were entitled to notice pay but that he could not pay this. He met MB another director on 1 May 2009 and he asked her was the redundancy going ahead and she replied were ye not given a choice. FD told him he could go on temporary lay off. At 4p.m. MB gave him an RP50 and a P45 and she told him he would receive his redundancy in six to eight weeks.

Some weeks after this he visited the respondent's premises and he noticed cars outside. He observed workers in the assembly area. On one occasion he met with FD and he told him that he could have one to two days work a week at €7 per hour. He could not work for €7 per hour. He told FD it was not fair on the employees who were made redundant.

He received a redundancy payment of €20,000 plus €300.00. He did not receive his minimum notice.

Determination

Based on the evidence adduced and in the absence of any evidence to the contrary the Tribunal finds that the claimant was unfairly selected for redundancy and he is entitled to compensation of €44,000.00 under the Unfair Dismissals Acts, 1977 to 2007. This award takes into account that the claimant received a redundancy lump sum of €20,300.00.

The claimant's employment terminated without notice and he is therefore entitled to compensation of €5,000.00 which is equivalent to eight weeks gross pay (€625.00 per week) under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

