

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:		CASE NOS.
EMPLOYEE	- appellant 1	RP409/10 MN182/10 WT1092/11
EMPLOYEE MN223/2010	- appellant 2	RP454/2010 WT245/11
EMPLOYEE	- appellant 3	RP464/2010 MN663/11 WT246/11
against		
EMPLOYER	- respondent	
under		

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
ORGANISATION OF WORKING TIME ACT 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr T. O'Grady
Ms. E. Brezina

heard this appeal at Naas on 16th March 2011.

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:-

Determination:

The respondent told the Tribunal that he had submitted the relevant forms to the Department on three separate occasions. On the second occasion he hand delivered the file. It appears that the Department in turn lost the file. He was not neglectful in forwarding the documentation. It was most unfortunate that the employees had to initiate claims with the Tribunal. The respondent was upset and concerned for his former employees.

The respondent conceded that a redundancy situation applied in these cases. The respondent also conceded that a claim under the Organisation of Working Time Act, 1997 be added in respect of appellants 1 and 2 and that claims under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of Working Time Act, 1997 be added in respect of appellant 3.

Appellant 1

The Tribunal finds that appellant 1 was dismissed by reason of redundancy and is entitled to a redundancy payment under the Redundancy Payments Acts, 1977 to 2007 based on the following criteria:

Date of Birth:	13 th November 1958
Date of Commencement:	6 th July 1998
Date of Termination:	3 rd July 2009
Gross Weekly Wage:	€811.59

The Tribunal is satisfied that appellant 1 did not receive payment in lieu of notice and is therefore entitled to compensation in the amount of €4869.54 being the equivalent of six weeks pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal also awards appellant 1 €121.74 under the Organisation of Working Time Act, 1997.

These awards are made subject to appellant 1 having been in employment, which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

It should be noted that a weekly ceiling of €600.00 currently applies to payments from the Social Insurance Fund.

Appellant 2

The Tribunal finds that appellant 2 was dismissed by reason of redundancy and is entitled to a redundancy payment under the Redundancy Payments Acts, 1977 to 2007 based on the following criteria:

Date of Birth:	22 nd March 1970
Date of Commencement:	18 th July 2001
Date of Termination:	3 rd July 2009
Gross Weekly Wage:	€600.60

The Tribunal is satisfied that appellant 2 did not receive payment in lieu of notice and is therefore

entitled to compensation in the amount of €2402.40 being the equivalent of four weeks pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal also awards appellant 2 €990.99 under the Organisation of Working Time Act, 1997.

These awards are made subject to appellant 2 having been in employment, which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

It should be noted that a weekly ceiling of €600.00 currently applies to payments from the Social Insurance Fund.

Appellant 3

The Tribunal finds that appellant 3 was dismissed by reason of redundancy and is entitled to a redundancy payment under the Redundancy Payments Acts, 1977 to 2007 based on the following criteria:

Date of Birth:	1 st July 1962
Date of Commencement:	25 th October 1994
Date of Termination:	3 rd July 2009
Gross Weekly Wage:	€508.17

The Tribunal is satisfied that appellant 3 did not receive payment in lieu of notice and is therefore entitled to compensation in the amount of €3049.02 being the equivalent of six weeks pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal also awards appellant 3 €431.92 under the Organisation of Working Time Act, 1997.

These awards are made subject to appellant 3 having been in employment, which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)