

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
EMPLOYEE *-claimant*

CASE NO.
UD1343/2009
RP514/2010
MN1312/2009
WT589/2009

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 D. Hayes

Members: Mr. A. O'Mara
Mr J. Moore

heard this claim at Navan on 3rd November 2010

Representation:

Claimant: Mr. Mark Dillon, Dillon Geraghty & Co, Solicitors, "Belmont", O'Growney Street,
Athboy, Co Meath

Respondent: No appearance or representation on behalf of

Claimant's Case

The claimant worked for the respondent from January 2006 until his dismissal without notice in February 2009. The respondent called the claimant to his office and informed him he was being let go and informed him that his redundancy and notice would be organised within 3 weeks by the office staff.

After three weeks the claimant went to the respondent premises to inquire about his P45 and redundancy. The respondent was not on the premises but phoned him later that day and said 'you'll get the P45 when it's ready...don't ever come back round here again or I'll sort you out'.

The respondent had made two members of staff redundant 6 months before the claimant; the remaining two staff worked until the summer 2009 when the respondent went into liquidation. The

claimant did receive his holiday entitlements for 2009.

Determination

The claimant was employed by the respondent as a cabinet-maker from January 2006 until February 2009. He was dismissed purportedly by reason of redundancy but was told at the time that he was not wanted about the place. No evidence was adduced to show that the dismissal was fair so as to rebut the presumption of the unfairness of the dismissal. Nor was there evidence of the criteria used for selection for redundancy or the fairness of same.

The Tribunal is satisfied that the dismissal was unfair. The respondent is now in liquidation and the Tribunal is satisfied that the only appropriate remedy is compensation. The remaining employees continued in employment until the summer of 2009. The Tribunal, in measuring compensation, must take account of that.

Pursuant to the claim under the Unfair Dismissals Acts, 1977 to 2007, the Tribunal awards the claimant €9,216 as being just and equitable in the circumstances.

The claimant received no notice of his dismissal. Pursuant to his claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2001, the claimant is awarded compensation in the amount of €1024.

The Tribunal is satisfied that, at the time of his dismissal, the claimant was entitled to three days of annual leave for which he had not been paid. Pursuant to his claim under the Organisation of Working Time Act, 1997, the claimant is awarded compensation in the amount of €307.20.

The Tribunal is satisfied that the claimant's gross weekly pay was €512.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)