

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - first appellant

CASE NO.
RP2153/2010
MN1546/2010
WT685/2010

and

EMPLOYEE - second appellant

RP2154/2010
MN1547/2010
WT686/2010

and

EMPLOYEE - third appellant

RP2651/2010

against

EMPLOYER - respondent

under

**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: Ms. M. Levey BL

Members: Mr. M. Carr
Mr M. O'Reilly

heard this appeal in Dublin on 28 March 2011

Representation:

Appellant(s):

Mr Billy Wall Operative Plasterers & Allied Trades'
Society of Ireland, 72 Shantalla Road, Beaumont, Dublin 9

Respondent(s):

No attendance or representation

The decision of the Tribunal was as follows:-

The first appellant (DZ) claimed that his employment, which commenced on 16 November 2006, ended without paid notice by reason of redundancy on 30 April 2010. His gross weekly pay was €655.00. A claim was also made by DZ under the Organisation of Working Time Act, 1997, in respect of five days' holidays outstanding at the time of termination of his employment with the respondent.

The second appellant (WL) claimed that his employment, which commenced on 25 April 2006, ended without paid notice by reason of redundancy on 30 April 2010. His gross weekly pay was €655.00. A claim was also made by WL under the Organisation of Working Time Act, 1997, in respect of five days' holidays outstanding at the time of termination of his employment with the respondent.

The third appellant (AK) claimed that his employment, which commenced on 01 January 2006, ended by reason of redundancy on 31 March 2010. His gross weekly pay was €677.00.

Determination:

First Appellant

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the first appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	28 November 1977
Date of commencement:	16 November 2006
Date of termination:	30 April 2010
Gross weekly pay:	€655.00

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the first appellant the sum of €1,310.00 (this amount being equivalent to two weeks' gross pay at €655.00 per week).

In addition, the Tribunal awards the first appellant the sum of €655.00 (this amount being equivalent to one week's holidays) under the Organisation of Working Time Act, 1997, in respect of holidays outstanding at the time of termination of his employment with the respondent.

Second Appellant

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the second appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	02 October 1960
Date of commencement:	25 April 2006
Date of termination:	30 April 2010
Gross weekly pay:	€655.00

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the second appellant the sum of €1,310.00 (this amount being equivalent to two weeks' gross pay at €655.00 per week).

In addition, the Tribunal awards the second appellant the sum of €655.00 (this amount being equivalent to one week's holidays) under the Organisation of Working Time Act, 1997, in respect of holidays outstanding at the time of termination of his employment with the respondent.

Third Appellant

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the third appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	22 February 1973
Date of commencement:	01 January 2006
Date of termination:	31 March 2010
Gross weekly pay:	€677.00

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)