

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - first appellant

CASE NO.
RP2205/2010
MN1569/2010
WT698/2010

and

EMPLOYEE - second appellant

RP2206/2010
MN1570/2010
WT699/2010

and

EMPLOYEE - third appellant

RP2207/2010
MN1571/2010
WT700/2010

and

EMPLOYEE - fourth appellant

RP2208/2010
MN1572/2010
WT701/2010

and

EMPLOYEE - fifth appellant

RP2209/2010
MN1573/2010
WT702/2010

and

EMPLOYEE - sixth appellant

RP2210/2010
MN1574/2010
WT703/2010

and

EMPLOYEE - seventh appellant

RP2211/2010
MN1575/2010
WT704/2010

EMPLOYEE - eighth appellant

RP2212/2010
MN1576/2010
WT705/2010

and

EMPLOYEE - ninth appellant

RP2213/2010
MN1577/2010
WT706/2010

and

EMPLOYEE - tenth appellant

RP2214/2010
MN1578/2010
WT707/2010

and

EMPLOYEE - eleventh appellant

RP2215/2010
MN1579/2010
WT708/2010

and

EMPLOYEE - twelfth appellant

RP1000/2011
MN1580/2010
WT709/2010

and

EMPLOYEE - thirteenth appellant

RP2216/2010
MN1581/2010
WT710/2010

and

EMPLOYEE - fourteenth appellant

RP2643/2010
MN1885/2010
WT862/2010

and

EMPLOYEE - fifteenth appellant

RP2929/2010
MN2124/2010
WT962/2010

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 at the hearing

The decision of the Tribunal was as follows:-

The first appellant (DP) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €677.00. A claim was also made by DP 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 (WK) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €677.00. A claim was also made by WK 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 (SZ) claimed that his employment, which commenced on 13 February 2008, ended without paid notice by reason of redundancy on 29 January 2010. His gross weekly pay was €651.50. A claim was also made by SZ under the Organisation of Working Time Act, 1997, in respect of two days' holidays outstanding at the time of termination of his employment with the respondent.

The fourth appellant (PT) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €677.00. A claim was also made by PT 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 fifth appellant (GZ) claimed that his employment, which commenced on 16 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €655.00. A claim was also made by GZ 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 sixth appellant (MA) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €677.00. A claim was also made by MA 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 seventh appellant (SS) claimed that his employment, which commenced on 04 May 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €677.00. A claim was also made by SS 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 eighth appellant (PK) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €677.00. A claim was also made by PK 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 ninth appellant (EA) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €721.00. A claim was also made by EA under the Organisation of Working Time Act, 1997, in respect of ten days' holidays outstanding at the time of termination of his employment with the respondent.

The tenth appellant (SC) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €754.00. A claim was also made by SC 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 eleventh appellant (HZ) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €677.00. A claim was also made by HZ 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 twelfth appellant (TG) claimed that his employment, which commenced on 04 February 2008, ended without paid notice by reason of redundancy on 4 February 2010. His gross weekly pay was €565.00. A claim was also made by TG under the Organisation of Working Time Act, 1997, in respect of two days' holidays outstanding at the time of termination of his employment with the respondent.

The thirteenth appellant (MG) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 6 April 2010. His gross weekly pay was €677.00. A claim was also made by MG 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 fourteenth appellant (MT) claimed that his employment, which commenced on 13 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €677.00. A claim was also made by MT 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 fifteenth appellant (GK) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €677.00. A claim was also made by GK 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.

No evidence was offered at the hearing by or on behalf of the respondent.

Determination:

First Appellant (DP)

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: | 07 March 1974 |
| Date of commencement: | 01 January 2006 |
| Date of termination: | 05 May 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.

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 €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the first appellant the sum of €677.00 (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 (WK)

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 March 1975 |
| Date of commencement: | 01 January 2006 |
| Date of termination: | 05 May 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.

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 €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the second appellant the sum of €677.00 (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 (SZ)

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: | 08 June 1982 |
| Date of commencement: | 13 February 2008 |
| Date of termination: | 12 February 2010 |

Gross weekly pay: €651.50

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 €1,303.00 (this amount being equivalent to two weeks' gross pay at €651.50 per week).

In addition, the Tribunal awards the third appellant the sum of €260.60 (this amount being equivalent to 0.4 weeks' holidays based on a gross weekly pay of €651.50 per week) under the Organisation of Working Time Act, 1997, in respect of holidays outstanding at the time of termination of his employment with the respondent.

Fourth Appellant (PT)

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

Date of birth: 23 September 1978
Date of commencement: 01 January 2006
Date of termination: 05 May 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.

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 €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the fourth appellant the sum of €677.00 (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.

Fifth Appellant (GZ)

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

| | |
|-----------------------|-----------------|
| Date of birth: | 06 October 1973 |
| Date of commencement: | 16 January 2006 |
| Date of termination: | 05 May 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 fifth 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.

Sixth Appellant (MA)

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

| | |
|-----------------------|-----------------|
| Date of birth: | 10 October 1972 |
| Date of commencement: | 01 January 2006 |
| Date of termination: | 05 May 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.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the sixth appellant the sum of €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the sixth appellant the sum of €677.00 (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.

Seventh Appellant (SS)

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

| | |
|-----------------------|------------------|
| Date of birth: | 13 November 1981 |
| Date of commencement: | 04 May 2006 |
| Date of termination: | 05 May 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.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the seventh appellant the sum of €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the seventh appellant the sum of €677.00 (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.

Eighth Appellant (PK)

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

| | |
|-----------------------|-----------------|
| Date of birth: | 16 August 1979 |
| Date of commencement: | 01 January 2006 |
| Date of termination: | 05 May 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.

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 €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the first appellant the sum of €677.00 (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.

Ninth Appellant (EA)

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

| | |
|-----------------------|-----------------|
| Date of birth: | 21 October 1959 |
| Date of commencement: | 01 January 2006 |
| Date of termination: | 05 May 2010 |
| Gross weekly pay: | €721.00 |

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 €1,442.00 (this amount being equivalent to two weeks' gross pay at €721.00 per week).

In addition, the Tribunal awards the first appellant the sum of €1,442.00 (this amount being equivalent to two weeks' 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.

Tenth Appellant (SC)

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

| | |
|-----------------------|-----------------|
| Date of birth: | 24 May 1976 |
| Date of commencement: | 01 January 2006 |
| Date of termination: | 05 May 2010 |
| Gross weekly pay: | €754.00 |

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 tenth appellant the sum of €1,508.00 (this amount being equivalent to two weeks' gross pay at €754.00 per week).

In addition, the Tribunal awards the tenth appellant the sum of €754.00 (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.

Eleventh Appellant (HZ)

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

| | |
|-----------------------|------------------|
| Date of birth: | 21 February 1963 |
| Date of commencement: | 01 January 2006 |
| Date of termination: | 05 May 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.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the eleventh appellant the sum of €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the eleventh appellant the sum of €677.00 (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.

Twelfth Appellant (TG)

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

| | |
|-----------------------|-------------------|
| Date of birth: | 29 September 1971 |
| Date of commencement: | 04 February 2008 |
| Date of termination: | 04 February 2010 |

Gross weekly pay: €565.00

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 twelfth appellant the sum of €565.00 (this amount being equivalent to one week's gross pay).

In addition, the Tribunal awards the twelfth appellant the sum of €226.00 (this amount being equivalent to 0.4 weeks' 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.

Thirteenth Appellant (MG)

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

| | |
|-----------------------|-----------------|
| Date of birth: | 22 April 1975 |
| Date of commencement: | 01 January 2006 |
| Date of termination: | 06 April 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.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the thirteenth appellant the sum of €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the thirteenth appellant the sum of €677.00 (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.

Fourteenth Appellant (MT)

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the fourteenth

appellant is entitled to a redundancy lump sum based on the following details:

| | |
|-----------------------|-----------------|
| Date of birth: | 02 June 1977 |
| Date of commencement: | 13 January 2006 |
| Date of termination: | 05 May 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.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the fourteenth appellant the sum of €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the fourteenth appellant the sum of €677.00 (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.

Fifteenth Appellant (GK)

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

| | |
|-----------------------|-----------------|
| Date of birth: | 24 April 1973 |
| Date of commencement: | 01 January 2006 |
| Date of termination: | 05 May 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.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the fifteenth appellant the sum of €1,354.00 (this amount being equivalent to two weeks' gross pay at €677.00 per week).

In addition, the Tribunal awards the fifteenth appellant the sum of €677.00 (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.

Note:- A ceiling of €600.00 per week applies to any payments from the Social Insurance Fund and these awards are subject to the appellants having been in employment which was insurable for all purposes under the Social Welfare Consolidation Act 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)