

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE – *claimant*

RP3127/2009

UD2625/2009

MN2457/2009

WT1119/2009

against

EMPLOYER – *respondent*

EMPLOYER – *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 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. C. Corcoran BL

Members: Mr. G. Mc Auliffe
Mr. A. Butler

heard this claim in Dublin on 18th March 2011

Representation:

Claimant: Ms Julienne Paye, Richard Grogan & Associates, 16-17 College Green, Dublin 2

Respondent: No representative listed.

Determination

The claims under the unfair dismissals Acts, 1977 to 2007 and the Organisation of Working Time

Act 1997 were withdrawn at the outset of the hearing.

The claimant gave evidence that he was an agency worker and worked as a teleporter driver on a number of construction sites for different contractors. On the 3rd July 2009, he was informed by the main contractor on that site that there was no more work for him, and that he should contact his employer for more work. He contacted the agency and was offered work as a labourer at a rate of €11 per hour which was €5 per hour less than the rate of teleporter driver. The claimant has a back problem and that work was not suitable.

The Operational Manager for the respondent gave evidence that he was opposing the redundancy claim on the grounds that he was offered suitable work on a number of occasions by letter and telephone. He said that the position of teleporter driver was not replaced.

The Tribunal is satisfied based on the evidence of the claimant that he was dismissed by reason of redundancy. Accordingly the Tribunal awards him a redundancy lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth:	7 th July 1976
Date of commencement of employment:	22 nd May 2006
Date of termination of employment:	3 rd July 2009
Gross weekly pay:	€660.27

The claimant is entitled to compensation of €1320.54, which is equivalent to two weeks gross pay (€660.27 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

These awards are made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Please note a ceiling of €600.00 applies to all payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)