

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE - **Appellant (Employee)**

RP910/2010
MN619/2010
PW243/2010
TE210/2010

against

EMPLOYER

-Respondent (Employer)

Under the first and second Acts

and against a decision **R-090946-pw-10/EH.** and a recommendation

R-090550-te-10/EH of a Rights Commissioner under the third and fourth Acts

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
PAYMENT OF WAGES ACT, 1991
TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Taaffe

Members: Mr. P. Pierce
Mr. J. Maher

heard these appeals in Naas on 29th April 2011

Representation:

Appellant: Mr. Blazej Nowak, Polish Consultancy Enterprise, 107 Amiens
Street, Dublin 1

Respondent: No appearance by, or representation on behalf of the respondent

This case came before the Tribunal as a result of an appeal by an employee (the appellant) against the refusal of the employer to make a lump sum payment to him under the Redundancy Payments Acts, 1967 to 2007 and against both a decision of a Rights Commissioner under the Payment of Wages Act, 1991 **R-090946-pw-10/EH** and a recommendation of a Rights Commissioner under the Terms of Employment (Information) Act, 1994 and 2001 **R-090550-te-10/EH** in the case of an employer (the respondent).

The decision of the Tribunal was as follows: -

Determination:

The Tribunal being satisfied that the respondent was duly on notice of the hearing finds, based on the uncontested evidence of the appellant, that the appellant was dismissed by reason of redundancy and is entitled to a lump sum payment under the Redundancy Payment Acts based on the following criteria.

Date of Birth:	14 th March 1980
Date of Commencement:	2 nd November 2007
Date of Termination:	19 th February 2010
Gross Pay:	€ 756.00

There was a period of non-reckonable service, by reason of lay-off, from 9 December 2009 until the date of termination.

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

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

The appellant having sought a redundancy lump sum payment on foot of lay-off, a claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 does not arise.

The appellant was seeking to be paid for a period of lay-off from 9 December 2009 until 19

February 2010. The appellant has adduced no evidence of any contractual entitlement to be paid when legitimately laid-off. In those circumstances the Tribunal is satisfied that his complaint was not well founded and upholds the decision of the Rights Commissioner.

The Tribunal makes a determination to like effect as the Rights Commissioner's recommendation and awards €600.00 under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)