

EMPLOYMENT APPEALS TRIBUNAL

COMPLAINT(S) OF:		CASE NO.
EMPLOYEE		I20/2011
	- <i>first named complainant</i>	
EMPLOYEE		I7/2011
	- <i>second named complainant</i>	
EMPLOYEE		I8/2011
	- <i>third named complainant</i>	
EMPLOYEE		I9/2011
	- <i>fourth named complainant</i>	
EMPLOYEE		I10/2011
	- <i>fifth named complainant</i>	
EMPLOYEE		I11/2011
	- <i>sixth named complainant</i>	
EMPLOYEE		I12/2011
	- <i>seventh named complainant</i>	
EMPLOYEE		I13/2011
	- <i>eighth named complainant</i>	
EMPLOYEE		I14/2011
	- <i>ninth named complainant</i>	
EMPLOYEE		I15/2011
	- <i>tenth named complainant</i>	
EMPLOYEE		I16/2011
	- <i>eleventh named complainant</i>	
EMPLOYEE		I17/2011
	- <i>twelfth named complainant</i>	
EMPLOYEE		I18/2011
	- <i>thirteenth named complainant</i>	
EMPLOYEE		I19/2011
	- <i>fourteenth named complainant</i>	
EMPLOYEE		I21/2011
	- <i>fifteenth named complainant</i>	
EMPLOYEE		I22/2011
	- <i>sixteenth named complainant</i>	
EMPLOYEE		I23/2011
	- <i>seventeenth named complainant</i>	
EMPLOYEE		I24/2011
	- <i>eighteenth named complainant</i>	
EMPLOYEE		I25/2011
	- <i>nineteenth named complainant</i>	
EMPLOYEE		I26/2011
	- <i>twentieth named complainant</i>	
EMPLOYEE		I27/2011
	- <i>twenty first named complainant</i>	
EMPLOYEE		I28/2011
	- <i>twenty second named complainant</i>	
EMPLOYEE		I29/2011
	- <i>twenty third named complainant</i>	

EMPLOYEE		I30/2011
	- <i>twenty fourth named complainant</i>	
EMPLOYEE		I31/2011
	- <i>twenty fifth named complainant</i>	
EMPLOYEE		I32/2011
	- <i>twenty sixth named complainant</i>	
EMPLOYEE		I33/2011
	- <i>twenty seventh named complainant</i>	
EMPLOYEE		I34/2011
	- <i>twenty eighth named complainant</i>	
EMPLOYEE		I35/2011
	- <i>twenty ninth named complainant</i>	
EMPLOYEE		I36/2011
	- <i>thirtieth named complainant</i>	

against the decision of The Minister for Enterprise & Employment
in the case of :

EMPLOYER
- respondent

under

PROTECTION OF EMPLOYEES (EMPLOYERS' INSOLVENCY) ACTS, 1984 TO 2004

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr M. Murphy
Mr J. Maher

heard this complaint at Monaghan on 10th June 2011

Representation:

Complainant : In Person

Respondent(s) :XXXXXX

The declaration of the Tribunal was as follows:-

Determination:

The thirty named complainants were employed by the respondent company from various commencement dates until their termination on April 7th 2009. The respondent company did not go into liquidation until November 19th 2010, this being 19 months after the complainants had been terminated.

Section 6 (9) of the above named Act states:

“normally weekly remuneration” has the meaning assigned to it by Schedule 3 to the Act of 1967 for the purposes of that Schedule save any reference in that Schedule to the date on which an employee was declared redundant may, where appropriate, be construed as including a reference to the relevant date:

the *“relevant date”* means -

- (a) in relation to a debt which is an amount, damages, fine or compensation referred to in subparagraph (iii), (v), (vi), (viii), (ix), (x), or (xi) of subsection (2) (a) of this section, the date on which the relevant employer became insolvent or the date on which the relevant recommendation, decision, determination, award or order is made, whichever is the later,
- (b) in relation to any other debt to which this section applies –
 - (i) in case the relevant applicant’s employment is terminated as a result of the relevant employer’s insolvency, the date on which such employer became insolvent, or the date of such termination, whichever such applicant shall as regards the debt nominate, or
 - (ii) in any other case, the date on which such employer became insolvent;

“the relevant period” means in relation to a debt to which this section applies, the period of eighteen months immediately preceding the relevant date.

The Minister decided that their claims were refused on the basis that they were outside the relevant period. The Tribunal is bound by the Act and therefore has no jurisdiction to hear the complainants under the Protection of Employees (Employers’ Insolvency) Acts, 1984 to 2004.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)