

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> | |

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|----------|---|----------|
| 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)