

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE

*-Claimant*

CASE NO.  
UD342/2010  
RP522/2010  
MN317/2010  
WT151/2010

against  
EMPLOYER

*-Respondent*

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**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 D. Donovan B. L.

Members: Mr J. Hennessy  
Mr F. Dorgan

heard this claim at Waterford on 31st May 2011

### **Representation:**

Claimant: Peter O'Connor & Son, Solicitors, Wyse House, Adelphi Quay,  
Waterford

Respondent: No appearance or representation on behalf of the respondent.

### **The determination of the Tribunal was as follows:**

The claimant commenced her employment with the respondent on 30<sup>th</sup> January 2007 as a full-time beauty therapist on a rate of €400.00 gross per week. In or around February 2009 the claimant's hours were reduced to a three-day week until the time that her employment terminated on 21<sup>st</sup> November 2009. During that time the claimant was paid a gross weekly wage of €240.00 gross per week and she constantly sought a return to full-time hours.

On 21<sup>st</sup> November 2009 the claimant was informed that the company could not afford to pay her wages. The claimant was offered the option of working for free until Christmas when the employer hoped to be able to pay her or she could opt to take over the business herself. This was not a

suitable alternative to the claimant and when she informed her employer of this she was informed that the business was closing. The claimant stated that she was not provided with her minimum notice entitlement and that she has an outstanding entitlement of ten days holidays.

**Determination:**

Based on the appellant's uncontested evidence the Tribunal finds that she is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	17 <sup>th</sup> April 1985
Date of Commencement:	30 <sup>th</sup> January 2007
Date of Termination:	21 <sup>st</sup> November 2009
Gross Weekly Pay:	€400.00

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

The Tribunal dismissed the claim under the Unfair Dismissals Acts, 1977 to 2007, having found that a redundancy situation occurred.

The Tribunal finds that the claimant is entitled to the sum of €800.00 (being the equivalent of two weeks' gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal also finds that the claimant is entitled to the sum of €800.00 (being the equivalent of ten days gross pay under the Organisation of Working Time Act, 1997).

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)