

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE (*appellant*)
RP3149/2010

Against

EMPLOYER (*respondent*)

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms C. Egan B.L.

Members: Mr P. Pierson
Mr O. Nulty

heard this appeal at Longford on 30th May 2011

Representation:

Appellant(s) :

Ms. Colette Egan B.L. instructed by Byrne Carolan Cunningham, Solicitors, Oak House, 39/41
Mardyke Street, Athlone, Co Westmeath

Respondent(s) :

John J Quinn & Company, Solicitors, Earl Street, Longford

The decision of the Tribunal was as follows:

At the outset, an application on behalf of the respondent's side for postponement of the hearing was refused.

The claimant worked as a tiler for the respondent from 1st October 2006 until 7th May 2010. His nett pay was €350. He had no gross figure as he did not receive paylips from the respondent. He did not receive a P60 for 2009. The claimant was entitled to a higher rate of pay under the Registered Employment Agreement for the Construction Industry (REA). His pay would have been in excess of €600 per week gross under the REA. The claimant confirmed to the Tribunal that he was an experienced tiler with six years experience in Poland. He did not have a qualification certificate. The claimant was not issued with a contract of employment.

Determination

The Tribunal finds that the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth	8 th December 1977
Employment commenced	1 st October 2006
Employment ended	7 th May 2010
Gross weekly pay	€600

As the appellant was entitled to the REA rate in the construction industry, an award of €600 is made to the appellant. This amount is awarded under Section 10 (c) of the Redundancy Payments Acts, 1967 to 2007.

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)