

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE – *appellant*

CASE NO.
RP1193/2010
MN847/2010

against

EMPLOYER – *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. O’Leary

Members: Mr A. O’Mara
Mr J. Maher

heard this appeal at Dublin on 25th August 2011

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:

The appellant confirmed that he had received his redundancy payment and withdrew his appeal under the Redundancy Payments Acts 1967 to 2007.

Appellant’s Case

The appellant worked as a driver of an excavator. He spoke to the respondent about a week before his job ceased. The respondent said nothing about the job. The site foreman told the appellant on the Friday that there was no more work for him. That was it. He received no notice from the respondent. After 4 weeks the appellant found a temporary position.

Respondent’s Case

The respondent told the Tribunal that it was obvious to the appellant that his job would go. All the other excavator drivers lost their jobs before the appellant did. The appellant would no longer have a job by August.

Determination

The Tribunal is satisfied that the appellant was not given formal notice that his position would be made redundant. The appellant secured alternative employment after 4 weeks.

The appeal under the Minimum Notice and Terms of employment Acts 1973 to 2005 succeeds and the appellant is awarded the sum of €2,600.00 being 4 weeks' pay.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)