

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

claimant

UD1311/2010

MN1265/2010

against

EMPLOYER

respondent

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Revington S.C.

Members: Mr D. Peakin
Mr G. Whyte

heard this claim at Dublin on 3rd November 2011

Representation:

Claimant(s): Mr. Tiernan Lowey BL instructed by Ms. Darina Byrne, John Gaynor & Co
Solicitors, 42/46 Thomas Street, Dublin 8

Respondent(s): No representation or attendance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

Claimant's Case

The claimant told the Tribunal that he was employed as a chargehand with the respondent. He commenced employment on the 15th August 2005 and his gross pay was €755.00 per week. He was informed on the 1st February 2010 by the bar manager that he should attend a meeting the next morning the 2nd February 2010. At the meeting he was told by CM, HR that he was being made redundant immediately. He was not given a reason for the meeting nor was he given the opportunity to bring a representative to the meeting. This was the first time he was informed about redundancy. He was given a contract of employment. He was given a document on 2nd February 2010 by CM and he was asked to sign it. He was not told to take legal advice. He signed the document as he was in a state of shock at the time. He was not told about an alternative at the meeting. There was no discussion regarding lay off or a reduction in his pay.

Determination

The claimant gave evidence of being summoned to a meeting on the 1st February 2010. At the meeting on 2nd February 2010 he was told he was being made redundant and purported to sign a waiver of his redundancy money and his minimum notice payment. He received no legal advice nor was he advised to. Under the circumstances where there was no selection for redundancy the claimant is entitled to succeed in his actions and the Tribunal awards him compensation of 104 weeks in the amount of €78,520.00 under the Unfair Dismissals Acts, 1977 to 2007.

The claimant is entitled to compensation in lieu of notice in the amount of €1,510.00 which is equivalent to two weeks gross pay (€755.00 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

