

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE-*Claimant*

MN729/2010

WT333/2010

against

EMPLOYER-*Respondent*

under

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. M. McAveety

Members: Mr. P. Pierson

Mr. O. Nulty

heard this claim at Longford on 23rd September 2011

Representation:

Claimants: The claimant in person

Respondent: No appearance by or on behalf of the respondent

There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that they were properly notified of the hearing.

Claimant's case

The claimant commenced employment with the respondent on 14th April 2009. She was on maternity leave from 28th September 2009 and was due to return to work on 27th March 2010. However about a week after the start of maternity leave the claimant received a P45 from the respondent in the post. The date of termination on this P45 was 25th September 2009.

The claimant did not receive any notice of redundancy nor payment in lieu thereof. The respondent did not pay the claimant for any holidays accrued during her maternity leave.

The claimant's gross weekly pay was €360.00.

The respondent is in liquidation effective from 14th May 2010.

Determination

Having considered the uncontested evidence of the claimant the Tribunal is satisfied that she had commenced maternity leave before being made redundant. No notice of redundancy was given to the claimant and therefore the Tribunal awards her €360.00 under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005.

Furthermore the claimant should not have been made redundant until after her maternity leave had finished and therefore is entitled to payment for any holidays (including public holidays) accrued during that period. Accordingly the Tribunal awards the claimant €1,080.00 under the Organisation Of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

