

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

UD72/2010

against

EMPLOYER

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. B. Glynn  
Members: Mr. P. Pierson  
              Mr. O. Nulty

heard this claim at Longford on 22nd September 2011

Representation:

Claimant: Mr. Brendan Archbold, 12 Alden Drive, Sutton, Dublin 13

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 he was properly notified of the hearing.

#### **Claimant's case**

The claimant commenced employment with GGB Limited on 7<sup>th</sup> February 2008. This business was then transferred to KK, trading as BB on 11<sup>th</sup> February 2008. On 1st October 2008 the business was again transferred, this time to respondent.

On each occasion of the business being transferred to another owner the claimant remained in employment at the same premises and with the same terms and conditions of employment.

The claimant was not given a written contract of employment. Even though he worked every public holiday the claimant received no premium for public holidays nor was he given time off in lieu and he was not allowed any meal breaks during the working day. The claimant tried to engage with the employer in relation to these issues but the employer refused to discuss the matter and ignored the claimant's requests. The claimant could not continue to work under such conditions and felt that he had no alternative but to resign and did so on 23<sup>rd</sup> October 2009.

Having been unemployed for just two weeks, the claimant commenced employment elsewhere at a higher rate of pay

**Determination**

Having considered the uncontested evidence of the claimant the Tribunal is satisfied that he was constructively dismissed and awards him €1,400.00 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

