

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

EMPLOYEE - claimant

CASE NO.

UD1808/10
RP2432/10
MN1767/10
WT812/10

Against

EMPLOYER - respondent

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath BL

Members: Mr. D. Winston
Mr J. Flannery

heard this claim at Dublin on 16th January 2012.

Representation:

Claimant: Mr. John Connellan, Carley & Connellan, Solicitors, 10
Anglesea Street, Dublin 2

Respondent: In person

The determination of the Tribunal was as follows:-

Determination:

The Tribunal has carefully considered the evidence adduced. The claimant has made a claim under the Unfair Dismissals legislation which said claim was submitted to the Employment Appeals Tribunal one month after the six month time limit allowed under the Act. Nothing that was offered to the Tribunal in submissions showed exceptional circumstances existed such that prevented or hindered the claimant from bringing a claim in a more timely manner. The claimant's rights are statutory based and these rights cannot be

curtailed or enhanced in the contract of employment the claimant says he never received. The fact that the claimant had no contract of employment has no bearing on his entitlement to bring a claim and no bearing on the fact that a six month time limit started to run from 25th December 2009.

The Tribunal has sympathy for any claimant expected to vindicate his rights in his or her non-native language. However, the claimant had the wherewithal to attend a solicitor in July 2010 and no reasonable explanation has been given to explain why this had not been done sooner.

The claim under the Unfair Dismissals Acts, 1977 to 2007 fails as the Tribunal has no jurisdiction to hear such claim.

The claims under the Redundancy Payments Acts, 1967 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 also fail.

The respondent agreed to pay the claimant €500.00 in respect of holidays, which sum is to be paid within two weeks. The Tribunal therefore makes an award of this amount under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)