

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
EMPLOYEE - first appellant

CASE NO.  
RP3137/2009  
WT1126/2009

and

EMPLOYEE - second appellant

RP3138/2009  
WT1127/2009

and

EMPLOYEE - third appellant

RP3143/2009  
WT1132/2009

and

EMPLOYEE - fourth appellant

RP3140/2009  
WT1129/2009

and

EMPLOYEE - fifth appellant

RP3141/2009  
WT1130/2009

and

EMPLOYEE - sixth appellant

RP3142/2009  
WT1131/2009

and

EMPLOYEE - seventh appellant

RP3139/2009  
WT1128/2009

against

EMPLOYER - respondent

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Hayes BL

Members: Mr. F. Moloney  
Mr. S. O'Donnell

heard this case in Navan on 12 January 2011

Representation:

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Appellant(s):

Mr. Blazej Nowak, Polish Consultancy Enterprise, 107 Amiens  
Street, Dublin 1

Respondent(s):

Mr. Michael Shanley, Oliver Shanley & Co., Solicitors,  
62/63 Academy Street, Navan, Co. Meath

The decision of the Tribunal was as follows:-

At the beginning of the Tribunal hearing the appellants' representative stated that the appellants' appeals under the Redundancy Payments Acts, 1967 to 2007, were no longer being prosecuted because the appellants had received their redundancy entitlements. In respect of the Organisation of Working Time Act, 1997, he told the Tribunal that all of the

employees were seeking three days' pay as having been due to them at the termination of their employment. One employee (the seventh appellant) had had a gross weekly pay of €546.00. The others had earned a gross weekly pay of €468.00.

The respondents' representative did not dispute that the employees each had an entitlement to three days' pay under the Organisation of Working Time Act, 1997, but he stated that the respondent was insolvent.

**Determination:**

The appeals under the Redundancy Payments Acts, 1967 to 2007, fall for want of prosecution on the grounds that the Tribunal was told at the hearing that the employees had received their redundancy entitlements.

Under the Organisation of Working Time Act, 1997, the Tribunal awards the seventh appellant the sum of €327.60 (this amount being equivalent to 0.6 weeks' holidays based on a gross weekly pay of €546.00) in respect of holidays outstanding at the time of termination of his employment with the respondent.

Under the Organisation of Working Time Act, 1997, the Tribunal awards each of the other appellants the sum of €280.80 (this amount being equivalent to 0.6 weeks' holidays based on a gross weekly pay of €468.00) in respect of holidays outstanding at the time of termination of their employment with the respondent.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

