

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE – *claimant No 1*

CASE NO.
RP2115/2010
UD1584/2010
WT668/2010
MN1517/2010
RP2116/2010
UD1585/2010
MN1518/2010
WT669/2010

EMPLOYEE – *claimant No 2*

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: Mr. T. Ryan

Members: Mr M. Carr
Mr N. Dowling

heard this claim at Trim on 5th January 2012

Representation:

Claimant(s) : John J Quinn & Co, Solicitors, Earl Street, Longford

Respondent(s) : No representation listed

The claims under the Redundancy Payments Acts 1967 to 2007 were withdrawn by the claimants representative during the course of the hearing.

Determination

Claimant No 1

The Tribunal is satisfied that the parties were properly notified of the hearing. Based on the uncontested evidence of the claimant the Tribunal is satisfied that she was unfairly selected for redundancy and therefore unfairly dismissed. The Tribunal notes that the claimant has not secured employment since her dismissal by the respondent in March 2010. The Tribunal considers compensation the most suitable remedy and awards the claimant the sum of €40,950.00 under the Unfair Dismissals Acts 1977 to 2007.

The Tribunal is also satisfied that the claimant did not receive her full statutory entitlement under the Minimum Notice and Terms of Employment Acts 1973 to 2005 and awards her the sum of €1040.00 being the equivalent of 8 days pay under the said Act.

Furthermore the Tribunal awards the claimant the sum of €1950.00 being the equivalent of three weeks outstanding holiday pay due under the Organisation of Working Time Act, 1997.

Claimant No 2

The Tribunal is satisfied based on the uncontested evidence of the claimant that he was unfairly selected for redundancy and therefore unfairly dismissed. However the Tribunal heard evidence from the claimant that he has been in receipt of illness benefit since the termination of his employment due to an injury suffered in the workplace on the final day of his employment with the respondent. Accordingly, as the claimant has not been available for work since the termination of his employment the Tribunal makes no award of compensation under the Unfair Dismissals Acts 1977 to 2007.

As the claimant has not been ready and willing to do work due to the injury sustained on his final day of employment he is not entitled to pay in respect of minimum notice and accordingly his claim under the Minimum Notice and Terms of Employment Acts 1973 to 2005 fails and is hereby dismissed.

The Tribunal is satisfied that the claimant did not receive his full holiday entitlement under the Organisation of Working Time Act, 1997 and awards him the sum of €1950.00 being the equivalent of three weeks outstanding holiday pay due under the said Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)