

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

RP2813/2010
UD2070/2010

claimant

MN2017/2010

Against

EMPLOYER
under

respondent

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal

(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr. R. Prole
Mr P. Trehy

heard this claim at Dublin on 8th March 2012

Representation:

Claimant(s): Mr. Richard Grogan, Richard Grogan & Associates,
Solicitors, 16 & 17 College Green, Dublin 2

Respondent(s): Mr Warren Parkes, Warren Parkes, Solicitors, Unit 1, The
Capel Building, Mary's Abbey, Dublin 7

The determination of the Tribunal was as follows:-

Claimant's Case

The claimant told the Tribunal that he commenced employment with the respondent circa 12th July 2006. He earned €10,00 per hour on the last site (JR) that he worked on. He contacted the respondent and indicated that he was not undertaking this hard work for €10.00 per hour. Mr. O in the respondent told him that he would receive €11.00 per hour and he was paid €10.00. He was told he was fired and that he would receive his P45. He was not paid what he should have been for the work he was undertaking. He was told that if he was not going to return to that site for €10.00 per hour he was fired. He refused to go to the site. He asked for another job. He would undertake work for €10.00 per hour if the work was not too

hard.

In cross examination he stated that he undertook work on this site for less than two weeks. After he received his first payslip he worked another day and he then left. He had worked in various sites for more than €10.00 and the amount per hour he received depended on the company he worked for.

Determination

In relation to the Unfair Dismissal Acts the Tribunal heard evidence from the claimant in relation to the circumstances surrounding the end of his employment. The Tribunal is satisfied on the basis of the direct evidence of the claimant that he left his employment of his own volition on believing that he was not receiving enough payment for the hard work involved. His case under the Unfair Dismissals Acts, 1977 to 2007 fails.

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

