

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

-Appellant

CASE NO.
RP2068/2011

MN1620/2011
WT619/2011

against
EMPLOYER

-Respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr S. Mahon

Members: Mr P. Pierson
Mr O. Nulty

heard this appeal at Longford on 11th May 2012

Representation:

Appellant: In Person

Respondent: Peninsula Business Services (Ireland) Limited, Unit 3, Ground Floor,
Block S, East Point Business Park, Dublin 3

The decision of the Tribunal was as follows:

Representation for the respondent stated that the appellant was employed as an apprentice mechanic.

The appellant gave evidence that although he was employed from the time of October 2003 his apprenticeship did not start until July 2005; however it was fully completed by July 2009. At the completion of each phase he should have received a pay increase but his wages remained unchanged. The appellant submitted a P60 which showed a gross of €273.00 per week and the appellant confirmed that this was the extent of the pay which he received from the respondent for working a 40 hour week.

A director of the company approached him on 31 December 2010 and said that as work was quiet some employees may have to be let go. The appellant only received two more days work from the company after this conversation. The appellant wrote to the company seeking work but he did not receive a reply.

The appellant also stated that he was not paid for public and bank holidays and that he was owed holiday pay but he could not be sure of the relevant number of days.

It was the respondent's case that the appellant was not entitled to a redundancy payment as work was offered to the appellant. However, the relevant witness for the respondent company was not present at the hearing to give evidence to the Tribunal.

The accountant for the respondent company gave evidence that the business closes for bank holidays and all of the employees were paid for bank and public holidays. However, she acknowledged that the appellant was owed eleven days holiday pay.

Determination:

The Tribunal is satisfied from the evidence adduced that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	30 September 1985
Date of Commencement:	13 October 2003
Date of Termination:	7 January 2011
Gross Weekly Pay:	€306.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

The Tribunal also finds that the appellant is entitled to €1,224.00 (being the equivalent of four weeks gross wages) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The appellant is also awarded the sum of €673.20 (being the equivalent of eleven days gross pay) under the Organisation of Working Time Act, 1997.

The Tribunal calculated the above figures on the basis of the national minimum wage in 2010 of €7.65 per hour.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)