

EMPLOYMENT APPEALS TRIBUNAL

| CLAIMS OF: | CASE NO. |
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| EMPLOYEE 1st Named Claimant | RP92/2011 |
| EMPLOYEE 2nd Named Claimant | RP93/2011 |
| EMPLOYEE 3rd Named Claimant | RP94/2011 |
| EMPLOYEE 4th Named Claimant | RP95/2011 |
| EMPLOYEE 5th Named Claimant | RP96/2011 MN622/2012 |
| EMPLOYEE 6th Named Claimant | UD55/2011 |
| EMPLOYEE 7th Named Claimant | RP104/2011 MN67/2011 UD56/2011 RP105/2011 MN68/2011 UD57/2011 |
| EMPLOYEE 8th Named Claimant | RP106/2011 MN69/2011 |
| EMPLOYEE 9th Named Claimant | UD58/2011 RP107/2011 MN70/2011 |
| EMPLOYEE 10th Named Claimant | UD59/2011 RP108/2011 MN71/2011 |
| EMPLOYEE 11th Named Claimant | UD60/2011 RP109/2011 MN72/2011 |
| EMPLOYEE 12th Named Claimant | UD61/2011 RP110/2011 MN73/2011 |
| EMPLOYEE 13th Named Claimant | UD62/2011 RP111/2011 MN74/2011 |

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| EMPLOYEE 14th Named Claimant | UD63/2011 RP112/2011 MN75/2011 |
| EMPLOYEE 15th Named Claimant | RP698/2012 MN1353/2011 |
| EMPLOYEE 16th Named Claimant | UD64/2011 RP113/2011 MN76/2011 |
| EMPLOYEE 17th Named Claimant | UD65/2011 RP114/2011 MN77/2011 |
| EMPLOYEE 18th Named Claimant | UD66/2011 RP115/2011 MN78/2011 |
| EMPLOYEE 19th Named Claimant | UD67/2011 RP116/2011 MN79/2011 |
| EMPLOYEE 20th Named Claimant | UD68/2011 RP117/2011 MN80/2011 |
| EMPLOYEE 21st Named Claimant | UD69/2011 RP118/2011 MN81/2011 |
| EMPLOYEE 22nd Named Claimant | UD70/2011 RP119/2011 MN82/2011 |
| EMPLOYEE 23rd Named Claimant | UD71/2011 RP120/2011 MN83/2011 |
| EMPLOYEE 24th Named Claimant | UD72/2011 RP121/2011 MN84/2011 |
| EMPLOYEE 25th Named Claimant | UD73/2011 RP122/2011 MN85/2011 |
| EMPLOYEE 26th Named Claimant | UD74/2011 RP123/2011 MN86/2011 |

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| EMPLOYEE 27th Named Claimant | UD75/2011 RP124/2011 MN87/2011 |
| EMPLOYEE 28th Named Claimant | UD76/2011 RP125/2011 MN88/2011 |
| EMPLOYEE 29th Named Claimant | UD77/2011 RP126/2011 MN89/2011 |
| EMPLOYEE 30th Named Claimant | UD78/2011 RP127/2011 MN90/2011 |
| EMPLOYEE 31st Named Claimant | UD79/2011 RP128/2011 MN91/2011 |
| EMPLOYEE 32nd Named Claimant | UD80/2011 RP129/2011 MN92/2011 |
| EMPLOYEE 33rd Named Claimant | UD81/2011 RP130/2011 MN93/2011 |
| EMPLOYEE 34th Named Claimant | UD82/2011 RP131/2011 MN94/2011 |
| EMPLOYEE 35th Named Claimant | UD83/2011 RP132/2011 MN95/2011 |
| EMPLOYEE 36th Named Claimant | UD84/2011 RP133/2011 MN96/2011 |
| EMPLOYEE 37th Named Claimant | UD85/2011 RP134/2011 MN97/2011 |

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| EMPLOYEE 38th Named Claimant | UD86/2011 RP135/2011 MN98/2011 |
| EMPLOYEE 39th Named Claimant | UD87/2011 RP136/2011 MN99/2011 |
| EMPLOYEE 40th Named Claimant | UD88/2011 RP137/2011 MN100/2011 |
| EMPLOYEE 41st Named Claimant | UD89/2011 RP138/2011 MN101/2011 |
| EMPLOYEE 42nd Named Claimant | UD90/2011 RP139/2011 MN102/2011 |
| EMPLOYEE 43rd Named Claimant | UD91/2011 RP140/2011 MN103/2011 |
| EMPLOYEE 44th Named Claimant | UD92/2011 RP141/2011 MN104/2011 |
| EMPLOYEE 45th Named Claimant | UD93/2011 RP142/2011 MN105/2011 |
| EMPLOYEE 46th Named Claimant | UD94/2011 RP143/2011 MN106/2011 |
| EMPLOYEE 47th Named Claimant | UD95/2011 RP144/2011 MN107/2011 |
| EMPLOYEE 48th Named Claimant | UD96/2011 RP145/2011 MN108/2011 |

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| EMPLOYEE 49th Named Claimant | UD97/2011 RP146/2011 MN109/2011 |
| EMPLOYEE 50th Named Claimant | UD98/2011 RP147/2011 MN110/2011 |
| EMPLOYEE 51st Named Claimant | UD99/2011 RP148/2011 MN111/2011 |
| EMPLOYEE 52nd Named Claimant | UD100/2011 RP149/2011 MN112/2011 |
| EMPLOYEE 53rd Named Claimant | UD101/2011 RP150/2011 MN113/2011 |
| EMPLOYEE 54th Named Claimant | UD102/2011 RP151/2011 MN114/2011 |
| EMPLOYEE 55th Named Claimant | UD103/2011 RP152/2011 MN115/2011 |
| EMPLOYEE 56th Named Claimant | UD104/2011 RP153/2011 MN116/2011 |
| EMPLOYEE 57th Named Claimant | UD105/2011 RP154/2011 MN117/2011 |
| EMPLOYEE 58th Named Claimant | UD106/2011 RP155/2011 MN118/2011 |
| EMPLOYEE 59th Named Claimant | UD107/2011 RP156/2011 MN119/2011 |

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| EMPLOYEE 60th Named Claimant | UD108/2011 RP157/2011 MN120/2011 |
| EMPLOYEE 61st Named Claimant | UD109/2011 RP158/2011 MN121/2011 |
| EMPLOYEE 62nd Named Claimant | UD110/2011 RP159/2011 MN122/2011 |
| EMPLOYEE 63rd Named Claimant | UD111/2011 RP160/2011 MN123/2011 |
| EMPLOYEE 64th Named Claimant | UD112/2011 RP161/2011 MN124/2011 |
| EMPLOYEE 65th Named Claimant | UD113/2011 RP162/2011 MN125/2011 |
| EMPLOYEE 66th Named Claimant | UD114/2011 RP163/2011 MN126/2011 |
| EMPLOYEE 67th Named Claimant | UD115/2011 RP164/2011 MN127/2011 |
| EMPLOYEE 68th Named Claimant | UD116/2011 RP165/2011 MN128/2011 |
| EMPLOYEE 69th Named Claimant | UD117/2011 RP166/2011 MN129/2011 |
| EMPLOYEE 70th Named Claimant | UD118/2011 RP167/2011 MN130/2011 |

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| EMPLOYEE 71st Named Claimant | UD119/2011 RP168/2011 MN131/2011 |
| EMPLOYEE 72nd Named Claimant | UD120/2011 RP169/2011 MN132/2011 |
| EMPLOYEE 73rd Named Claimant | UD121/2011 RP170/2011 MN133/2011 |
| EMPLOYEE 74th Named Claimant | UD122/2011 RP171/2011 MN134/2011 |
| EMPLOYEE 75th Named Claimant | UD123/2011 RP172/2011 MN135/2011 |
| EMPLOYEE 76th Named Claimant | UD124/2011 RP173/2011 MN136/2011 |
| EMPLOYEE 77th Named Claimant | UD125/2011 RP174/2011 MN137/2011 |
| EMPLOYEE 78th Named Claimant | UD126/2011 RP175/2011 MN138/2011 |
| EMPLOYEE 79th Named Claimant | UD127/2011 RP176/2011 MN139/2011 |
| EMPLOYEE 80th Named Claimant | UD128/2011 RP177/2011 MN140/2011 |
| EMPLOYEE 81st Named Claimant | UD129/2011 RP178/2011 MN141/2011 |

EMPLOYEE
82nd Named Claimant

UD130/2011
RP179/2011
MN142/2011

EMPLOYEE
83rd Named Claimant

MN621/2012

against

EMPLOYER
Respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms M. Levey BL

Members: Mr E. Handley
Mr G. Whyte

heard these claims at Dublin on 7 June 2012

Representation:

Claimant:

All except for the 22nd named claimant, Messrs Martin Mannion & Paul Henry,
SIPTU, Liberty Hall, Dublin 1
The 22nd named claimant Ms Augusta Tuohy,
Maguire McNiece & Company Solicitors,
Bray House, 2 Main Street, Bray, Co. Wicklow

Respondents:

Mr Niall Saul, Symbio HR Solutions,
6 Exchange Place, IFSC, Dublin 1

The determination of the Tribunal was as follows:

Determination

Prior to the hearing the claims of the first and second claimants had been withdrawn. Once the hearing commenced it was acknowledged on behalf of the remaining claimants that, as the respondent's hotel had closed down with all staff being placed on lay off from 15 January 2010, a redundancy situation existed and, accordingly, all claims under the Unfair Dismissals Acts, 1977 to 2007 were withdrawn.

It was then acknowledged by the representatives of all except the 15th and 22nd named claimants that lump sum payments under the Redundancy Payments Acts had been received. Accordingly, the claims of all except the 15th and 22nd named claimants under those Acts were withdrawn.

Liability having been conceded on behalf of the respondent, the Tribunal is satisfied that the 15th and 22nd named claimants are entitled to lump sum payments under the Redundancy Payments Acts, 1967 to 2007 based on the criteria in the following schedule

| Claimant | Date of Birth | Employment Began | Employment Ended | Gross Weekly Pay |
|---------------------------|---------------|------------------|------------------|------------------|
| 15 th Named | 12/12/1986 | 01/01/2008 | 15/04/2011 | €265-00 |
| 22 nd Named | 25/08/1957 | 05/01/1975 | 15/04/2011 | €550-00 |

In the case of both claimants there were periods of non-reckonable service, by reason of lay off, from 15 January 2010 until 15 April 2011.

These awards are made subject to the appellants having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period.

The 6th and 7th, 9th to 11th, 25th and 26th, 28th, 33rd to 35th, 38th to 41st, 43rd, 72nd, 78th and 81st claimants did not attend the hearing and their claims under the Minimum Notice and Terms of Employment Acts fail for want of prosecution.

Loss having been established the Tribunal is satisfied that the remaining claimants are entitled to payments under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 as set out in the following schedule

| Claimant | MN No. | Employ started | Employ ended | Weekly Pay | MN Weeks | MN Award |
|----------|--------|----------------|--------------|------------|----------|----------|
|----------|--------|----------------|--------------|------------|----------|----------|

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| 5th Named | MN622/2012 | 20/09/2004 | 15/04/2011 | € 540.00 | 4 | € 2,160.00 |
| 8th Named | MN69/2011 | 19/02/2007 | 15/04/2011 | € 450.00 | 2 | € 900.00 |
| 12th Named | MN73/2011 | 27/06/2006 | 15/04/2011 | € 600.00 | 2 | € 1,200.00 |
| 13th Named | MN74/2011 | 15/06/1996 | 15/04/2011 | € 600.00 | 6 | € 3,600.00 |
| 14th Named | MN75/2011 | 22/04/2000 | 15/04/2011 | € 550.00 | 6 | € 3,300.00 |
| 15th Named | MN1353/2011 | 01/01/2008 | 15/04/2011 | € 265.00 | 2 | € 530.00 |
| 16th Named | MN76/2011 | 01/01/2007 | 15/04/2011 | € 200.00 | 2 | € 400.00 |
| 17th Named | MN77/2011 | 10/09/2003 | 15/04/2011 | € 570.00 | 4 | € 2,280.00 |
| 18th Named | MN78/2011 | 01/09/2008 | 15/04/2011 | € 200.00 | 2 | € 400.00 |
| 19th Named | MN79/2011 | 31/08/1993 | 15/04/2011 | € 600.00 | 8 | € 4,800.00 |
| 20th Named | MN80/2011 | 05/11/2004 | 15/04/2011 | € 600.00 | 4 | € 2,400.00 |
| 21st Named | MN81/2011 | 01/08/2008 | 15/04/2011 | € 350.00 | 2 | € 700.00 |
| 22nd Named | MN82/2011 | 05/01/1975 | 15/04/2011 | € 550.00 | 8 | € 4,400.00 |
| 23rd Named | MN83/2011 | 06/12/2005 | 15/04/2011 | € 550.00 | 4 | € 2,200.00 |
| 24th Named | MN84/2011 | 26/03/1975 | 15/04/2011 | € 500.00 | 8 | € 4,000.00 |
| 27th Named | MN87/2011 | 28/03/1969 | 15/04/2011 | € 600.00 | 8 | € 4,800.00 |
| 29th Named | MN89/2011 | 15/02/1999 | 15/04/2011 | € 200.00 | 6 | € 1,200.00 |
| 30th Named | MN90/2011 | 05/08/2006 | 15/04/2011 | € 600.00 | 2 | € 1,200.00 |
| 31st Named | MN91/2011 | 28/04/2006 | 15/04/2011 | € 600.00 | 2 | € 1,200.00 |
| 32nd Named | MN92/2011 | 04/04/1988 | 15/04/2011 | € 500.00 | 8 | € 4,000.00 |
| 36th Named | MN96/2011 | 15/04/1990 | 15/04/2011 | € 237.00 | 8 | € 1,896.00 |
| 37th Named | MN97/2011 | 10/08/2005 | 15/04/2011 | € 400.00 | 4 | € 1,600.00 |
| 42nd Named | MN102/2011 | 09/04/1988 | 15/04/2011 | € 500.00 | 8 | € 4,000.00 |
| 44th Named | MN104/2011 | 01/04/2007 | 15/04/2011 | € 300.00 | 2 | € 600.00 |
| 45th Named | MN105/2011 | 15/01/1988 | 15/04/2011 | € 600.00 | 8 | € 4,800.00 |
| 46th Named | MN106/2011 | 22/05/1972 | 15/04/2011 | € 590.00 | 8 | € 4,720.00 |
| 47th Named | MN107/2011 | 07/05/2006 | 15/04/2011 | € 350.00 | 2 | € 700.00 |
| 48th Named | MN108/2011 | 11/05/2004 | 15/04/2011 | € 600.00 | 4 | € 2,400.00 |

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| 49th Named | MN109/2011 | 06/05/1989 | 15/04/2011 | € 435.00 | 8 | € 3,480.00 |
| 50th Named | MN110/2011 | 21/07/2001 | 15/04/2011 | € 625.00 | 4 | € 2,500.00 |
| 51st Named | MN111/2011 | 23/05/2005 | 15/04/2011 | € 450.00 | 4 | € 1,800.00 |
| 52nd Named | MN112/2011 | 08/05/1974 | 15/04/2011 | € 800.00 | 8 | € 6,400.00 |
| 53rd Named | MN113/2011 | 15/09/2000 | 15/04/2011 | € 450.00 | 6 | € 2,700.00 |
| 54th Named | MN114/2011 | 18/05/1985 | 15/04/2011 | € 600.00 | 8 | € 4,800.00 |
| 55th Named | MN115/2011 | 31/08/1971 | 15/04/2011 | € 450.00 | 8 | € 3,600.00 |
| 56th Named | MN116/2011 | 28/02/1987 | 15/04/2011 | € 590.00 | 8 | € 4,720.00 |
| 57th Named | MN117/2011 | 15/02/2000 | 15/04/2011 | € 390.00 | 4 | € 1,560.00 |
| 58th Named | MN118/2011 | 15/04/2005 | 15/04/2011 | € 500.00 | 6 | € 3,000.00 |
| 59th Named | MN119/2011 | 05/07/1994 | 15/04/2011 | € 500.00 | 8 | € 4,000.00 |
| 60th Named | MN120/2011 | 15/03/2003 | 15/04/2011 | € 500.00 | 4 | € 2,000.00 |
| 61st Named | MN121/2011 | 15/05/1976 | 15/04/2011 | € 600.00 | 8 | € 4,800.00 |
| 62nd Named | MN122/2011 | 09/04/1994 | 15/04/2011 | € 625.00 | 8 | € 5,000.00 |
| 63rd Named | MN123/2011 | 20/06/1985 | 15/04/2011 | € 600.00 | 8 | € 4,800.00 |
| 64th Named | MN124/2011 | 15/02/2007 | 15/04/2011 | € 450.00 | 2 | € 900.00 |
| 65th Named | MN125/2011 | 02/02/2006 | 15/04/2011 | € 450.00 | 4 | € 1,800.00 |
| 66th Named | MN126/2011 | 15/02/2007 | 15/04/2011 | € 450.00 | 2 | € 900.00 |
| 67th Named | MN127/2011 | 18/09/1980 | 15/04/2011 | € 582.71 | 8 | € 4,661.68 |
| 68th Named | MN128/2011 | 19/09/1987 | 15/04/2011 | € 625.00 | 8 | € 5,000.00 |
| 69th Named | MN129/2011 | 15/10/1989 | 15/04/2011 | € 600.00 | 8 | € 4,800.00 |
| 70th Named | MN130/2011 | 04/11/1976 | 15/04/2011 | € 371.33 | 8 | € 2,970.64 |
| 71st Named | MN131/2011 | 01/05/2007 | 15/04/2011 | € 450.00 | 2 | € 900.00 |
| 73rd Named | MN133/2011 | 29/05/2006 | 15/04/2011 | € 500.00 | 2 | € 1,000.00 |
| 74th Named | MN134/2011 | 03/04/2006 | 15/04/2011 | € 500.00 | 4 | € 2,000.00 |
| 75th Named | MN135/2011 | 12/04/1982 | 15/04/2011 | € 450.00 | 8 | € 3,600.00 |
| 76th Named | MN136/2011 | 16/05/2000 | 15/04/2011 | € 302.72 | 6 | € 1,816.32 |

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|---------------|------------|------------|------------|----------|---|------------|
| 77th Named | MN137/2011 | 04/10/1988 | 15/04/2011 | € 600.00 | 8 | € 4,800.00 |
| 79th Named | MN139/2011 | 03/05/2006 | 15/04/2011 | € 450.00 | 2 | € 900.00 |
| 80th Named | MN140/2011 | 12/11/1994 | 15/04/2011 | € 700.00 | 8 | € 5,600.00 |
| 82nd Named | MN142/2011 | 17/02/2007 | 15/04/2011 | € 500.00 | 2 | € 1,000.00 |
| 83rd Named | MN621/2012 | 14/08/2006 | 15/04/2011 | € 300.00 | 2 | € 600.00 |

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)