

## EMPLOYMENT APPEALS TRIBUNAL

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

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

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

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

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

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

EMPLOYEE <b>71st Named Claimant</b>	UD119/2011 RP168/2011 MN131/2011
EMPLOYEE <b>72nd Named Claimant</b>	UD120/2011 RP169/2011 MN132/2011
EMPLOYEE <b>73rd Named Claimant</b>	UD121/2011 RP170/2011 MN133/2011
EMPLOYEE <b>74th Named Claimant</b>	UD122/2011 RP171/2011 MN134/2011
EMPLOYEE <b>75th Named Claimant</b>	UD123/2011 RP172/2011 MN135/2011
EMPLOYEE <b>76th Named Claimant</b>	UD124/2011 RP173/2011 MN136/2011
EMPLOYEE <b>77th Named Claimant</b>	UD125/2011 RP174/2011 MN137/2011
EMPLOYEE <b>78th Named Claimant</b>	UD126/2011 RP175/2011 MN138/2011
EMPLOYEE <b>79th Named Claimant</b>	UD127/2011 RP176/2011 MN139/2011
EMPLOYEE <b>80th Named Claimant</b>	UD128/2011 RP177/2011 MN140/2011
EMPLOYEE <b>81st Named Claimant</b>	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 22<sup>nd</sup> named claimant, Messrs Martin Mannion & Paul Henry,  
SIPTU, Liberty Hall, Dublin 1  
The 22<sup>nd</sup> 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 15<sup>th</sup> and 22<sup>nd</sup> named claimants that lump sum payments under the Redundancy Payments Acts had been received. Accordingly, the claims of all except the 15<sup>th</sup> and 22<sup>nd</sup> named claimants under those Acts were withdrawn.

Liability having been conceded on behalf of the respondent, the Tribunal is satisfied that the 15<sup>th</sup> and 22<sup>nd</sup> 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 <sup>th</sup> Named	12/12/1986	01/01/2008	15/04/2011	€265-00
22 <sup>nd</sup> 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 6<sup>th</sup> and 7<sup>th</sup>, 9<sup>th</sup> to 11<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup>, 28<sup>th</sup>, 33<sup>rd</sup> to 35<sup>th</sup>, 38<sup>th</sup> to 41<sup>st</sup>, 43<sup>rd</sup>, 72<sup>nd</sup>, 78<sup>th</sup> and 81<sup>st</sup> 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

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

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)