

## EMPLOYMENT APPEALS TRIBUNAL

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

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

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

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

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

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

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| EMPLOYEE<br><b>71st Named Claimant</b> | UD119/2011<br>RP168/2011<br>MN131/2011 |
| EMPLOYEE<br><b>72nd Named Claimant</b> | UD120/2011<br>RP169/2011<br>MN132/2011 |
| EMPLOYEE<br><b>73rd Named Claimant</b> | UD121/2011<br>RP170/2011<br>MN133/2011 |
| EMPLOYEE<br><b>74th Named Claimant</b> | UD122/2011<br>RP171/2011<br>MN134/2011 |
| EMPLOYEE<br><b>75th Named Claimant</b> | UD123/2011<br>RP172/2011<br>MN135/2011 |
| EMPLOYEE<br><b>76th Named Claimant</b> | UD124/2011<br>RP173/2011<br>MN136/2011 |
| EMPLOYEE<br><b>77th Named Claimant</b> | UD125/2011<br>RP174/2011<br>MN137/2011 |
| EMPLOYEE<br><b>78th Named Claimant</b> | UD126/2011<br>RP175/2011<br>MN138/2011 |
| EMPLOYEE<br><b>79th Named Claimant</b> | UD127/2011<br>RP176/2011<br>MN139/2011 |
| EMPLOYEE<br><b>80th Named Claimant</b> | UD128/2011<br>RP177/2011<br>MN140/2011 |
| EMPLOYEE<br><b>81st Named Claimant</b> | UD129/2011<br>RP178/2011<br>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><br>Named | 12/12/1986    | 01/01/2008       | 15/04/2011       | €265-00          |
| 22 <sup>nd</sup><br>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 |

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

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