

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

EMPLOYEE

- *Claimant*

MN1919/2010

CASE NO.

RP2689/2010

UD1981/2010

WT876/2010

against

EMPLOYER

- *Respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.

Members: Mr. A. O'Mara
Mr J. Maher

heard this claim at Dublin on 20th February 2012
and 30th April 2012
and 6th September 2012

Representation:

Claimant: Ms Claudine Hanratty, Claudine Hanratty & Company, Solicitors, 1 Main Street,
Tallaght, Dublin 24

Respondent: Day 1 & Day 2 – Ms. Catherine Day, Peninsula Business Services, Unit 3 Ground
Floor, Block S, East Point Business Park, Dublin 3

Day 3 – No appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

At the outset of the hearing the claimant withdrew her claim under the Redundancy Payments Acts 1967 to 2007.

The Tribunal heard evidence over three days in the above hearing. The respondent company went into liquidation in July 2012. Accordingly there was no attendance by the respondent or a representative on their behalf on 6th September 2012.

Determination

Having considered the evidence adduced, the Tribunal finds that the claimant was unfairly dismissed by reason of a constructive dismissal situation having arisen in the workplace in and around March 2010. In making an award the Tribunal recognises a limit of €600.00 per week of compensation is applicable when application is being made to the Insolvency Fund.

The Tribunal awards the claimant 30 weeks compensation at €600.00 per week making a total of €18,500.00 under the Unfair Dismissals Acts 1977 to 2007. Accordingly, the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 must fail.

There was no evidence adduced in respect of the claim under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)