

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE
(*appellant*)

CASE NO.
UD152/2011

against the recommendation of the Rights Commissioner in the case of:

EMPLOYER
(*respondent*)

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr T. O'Grady
Mr F. Barry

heard this appeal at Dublin on 26th October 2012

Representation:

Appellant(s) : Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

Respondent(s) : No appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:

This case came before the Tribunal by way of an employee appeal of a Rights Commissioner recommendation under the Unfair Dismissals Acts, 1997 to 2007, reference r-093321-ud-10/RG.

The claimant gave evidence stating that he worked for the respondent company as a Pipe Layer from August 2008 until 19th January 2010. He received no contract of employment or payslips during the course of his employment. The claimant told the Tribunal that his employment came to an end when the respondent indicated that no further work was available. The majority of his work was Dublin based. He obtained other work 16 weeks after the respondent company terminated his employment. The claimant's representative indicated that instead of gross pay totalling €375 per week, the claimant should have been paid the Registered Employment Agreement rate at the time of €573.30.

Determination

On the uncontested evidence of the claimant the Tribunal finds that the claimant was unfairly dismissed and accordingly the Tribunal awards the claimant compensation in the amount of €9,285.12 pursuant to the *Unfair Dismissals Acts 1977-2007*.

As the claimant was a General Operative and entitled to the Registered Employment Agreement rate of €14.88 per hour applicable in the construction industry, the award of €9,285.12 (€580.32 x 16 weeks loss) is made to the claimant, taking into account a rate of €14.88 per hour instead of the rate paid of €9.62 per hour and based on a 39 hour week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)