

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:	CASE NO.
EMPLOYEE –First Named Appellant	MN2242/2011 WT907/2011
EMPLOYEE –Second Named Appellant	MN2243/2011
EMPLOYEE –Third Named Appellant	RP2818/2011 MN2244/2011 WT381/2012
EMPLOYEE –Fourth Named Appellant	RP2819/2011 MN2245/2011 WT382/2012
EMPLOYEE–Fifth Named Appellant	RP2820/2011 MN2246/2011
EMPLOYEE –Sixth Named Appellant	RP2821/2011 MN2247/2011 WT384/2012
EMPLOYEE–Seventh Named Appellant	RP2822/2011 MN2248/2011
EMPLOYEE–Eighth Named Appellant	RP2823/2011 MN2249/2011 WT386/2012
EMPLOYEE –Ninth Named Appellant	RP2824/2011 MN2250/2011 WT387/2012
against	
EMPLOYER –Respondent	
under	

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Mr M. Carr
Mr O. Nulty

heard these appeals at Cavan on 26 October 2012

Representation:

Appellants:

No appearance by or representation on behalf of the fifth and seventh named appellants, otherwise in person

Respondent:

No appearance by or representation on behalf of the respondent

The determination of the Tribunal was as follows:

Determination:

The Tribunal being satisfied that the respondent and all of the appellants were properly on notice of the hearing the appeals of the fifth and seventh named appellants under the Redundancy Payments Acts, 1967 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fail for want of prosecution.

At the outset the appeals of the third, fourth, sixth, eighth and ninth named appellants under the Redundancy Payments Acts were withdrawn. Being satisfied that the claim forms of those appellants made clear that they were making claims in respect of outstanding holiday pay despite the Organisation of Working Time Act box not being ticked on their claim forms and that the Receiver was aware of this the Tribunal allowed those appellants to pursue claims under that Act. During the hearing of their evidence it emerged that the third named appellant had pursued a claim before a Rights Commissioner under the Payment of Wages Act, 1991 and had obtained relief in respect of both minimum notice and holiday pay. Accordingly his appeals before the Tribunal must fail.

Based on the uncontroverted evidence the Tribunal is satisfied that the remaining appellants are entitled to awards under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of Working Time Act, 1997 as set out in the following schedule.

Appellant	Employment Began	Employment Ended	MN Due in weeks	Gross Weekly Pay	MN Award	Hols owed	WT award
1st Named	08/06/2004	19/08/2011	4	€888-25	€3,553-00	3 weeks	€2,664-75
2nd Named	15/11/2009	19/08/2011	1	€616-59	€616-59	No WT claim	
4th Named	18/10/2005	29/08/2011	4	€421-52	€1,686-08	1 week	€421-52
6th Named	12/01/2009	30/08/2011	2	€719-10	€1,438-20	3 weeks	€2,157-30
8th Named	28/06/2004	19/08/2011	4	€803-85	€3,215-40	2 weeks	€1,607-70
9th Named	02/10/2000	18/08/2011	6	€582-80	€3,496-80	2 weeks	€1,165-60

These awards are made subject to the appellants having been in insurable employment under the

Social Welfare Consolidation Act, 2005 during the relevant period.

It should be noted that payments from the social insurance fund are limited to a maximum of €600-00 per week.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)