

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE 1 – *appellant 1*

CASE NO.
RP56/2011
MN29/2011

EMPLOYEE 2 - *appellant 2*

RP1426/2011
MN1181/2011

Against

EMPLOYER - *respondent*

under

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 O. Madden B.L.
Members: Mr M. Murphy
Mr F. Keoghan

heard this appeal at Trim on 23rd May 2012

Representation:

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

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

The decision of the Tribunal was as follows:-

The Tribunal is satisfied that all parties were properly notified of the hearing. There was no appearance by or on behalf of the respondent.

The Tribunal heard the appellants were entitled to a higher rate of pay under the Registered Employment Agreement for the Construction Industry (REA).

Based on the uncontested evidence the Tribunal finds the following:

Appellant 1 was dismissed by reason of redundancy and the Tribunal awards a lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth: 10 September 1979

Date of Commencement: 26 April 2005
Date of Termination: 12 April 2010
Weekly Gross Pay: €600.00

As the appellant was entitled to the REA rate in the construction industry, an award of €600 is made to the appellant. This amount is awarded under Section 10 (c) of the Redundancy Payments Acts, 1967 to 2007.

The Tribunal further awards appellant 1 €1200.00, being the equivalent of two weeks' gross pay, in lieu of notice under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Appellant 2 withdrew the claim under the Redundancy Payments Acts, 1967 to 2007.

The Tribunal awards appellant 2 €1276.86, being the equivalent of two weeks' gross pay, in lieu of notice under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

The award made under the Redundancy Payments Acts, 1967 to 2007 is made subject to the appellant 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 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)