

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

EMPLOYEE - *Appellant*

CASE NO.

RP631/2011

WT176/2011

MN487/2011

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr C. McHugh
Mr N. Dowling

heard this appeal at Naas on 27th June 2012

Representation:

Appellant: Ms. Bernie Thornton, Assistant Industrial Organiser, SIPTU, Membership Information Centre, Liberty Hall, Dublin 1

Respondent: In person

The decision of the Tribunal was as follows:-

The Tribunal heard evidence from the appellant that she commenced working for the respondent company in 2008. At the beginning of her employment she worked a number of full weeks from 8:30am – 5:30pm. After December 2008 the appellant did not receive any work and waited on a call from the respondent. She waited on a call for a couple of months and then the respondent began to call offering her hours of work. Sometimes there were no hours and sometimes there were lots of hours.

Between 2009 and 2010 the appellant seldom received a full weeks work from the respondent. The appellant told the Tribunal that towards the end of 2010 her hours of work dropped below 50% of her natural wages but in response to questions from the Tribunal she could not demonstrate what her actual normal remuneration was.

Determination

Based on the evidence submitted at the hearing the Tribunal finds that the appellant was not dismissed by reason of redundancy and her claim under the Redundancy Payments Acts 1967 to 2007 fails. The appellant’s claim under the Minimum Notice and Terms of Employment Acts 1973 to 2005 also fails.

There was insufficient evidence adduced in respect of outstanding holidays. The Tribunal dismiss the claim under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)