

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

CASE NO.
MN1980/2011
WT776/2011

against
EMPLOYER
under

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. Ryan

Members: Mr T. O'Sullivan
Mr J. Maher

heard this claim at Trim on 22nd March 2013

Representation:

Claimant

Respondent: In person

Summary of evidence:

It was the respondent's evidence that the claimant returned from holidays on 26th August 2010 and asked to see the roster. It wasn't complete but her hours were being reduced. She returned on 28th and requested her P45. The respondent stated that he gave the claimant €150 in cash for her holiday payment.

It was the claimant's evidence that on her return from holidays she returned to her employer and was not on the roster. She asked why and nobody could explain. She returned a week later and wastold she was no longer needed. It was evident to her there were new Chinese employees in the restaurant. She was told her P45 would be provided within 2 weeks but it has not been provided asof the date of the hearing. She never received the amount of €150 in cash or by any other method ofpayment.

Determination

Having considered the conflicting evidence of the claimant and the respondent the Tribunal prefers the evidence of the claimant.

Therefore the Tribunal awards the claimant € 173.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and a further €668.93 under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

