

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE

- *claimant*

CASE NO.  
UD132/2012  
MN34/2012  
WT35/2012

against

- EMPLOYER *respondent*  
- EMPLOYER *respondent*

under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 UNFAIR DISMISSALS ACTS, 1977 TO 2007 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. P. McGrath BL

Members: Mr. C. Lucey  
Mr. J. Maher

heard this claim at Dublin on 16 May 2013

#### **Representation:**

Claimant(s) : In Person

Respondent(s) :

The determination of the Tribunal was as follows:-

#### **Determination:**

The claimant was employed as a butcher with the respondent company for a three year period – October 2008 to October 2010. The claimant worked on a casual part-time basis, sometimes for a full 39 hour week but more often for a one day week.

The claimant had an accident at work which left him unfit for work up to February 2012.

There is a conflict of evidence between the parties as to whether the employer was welcoming the claimant back to work or refusing the claimant a return to the workplace. In any event the claimant did not return to work and alternatively went to work for another employer in June 2012.

It is noted that a transfer of undertakings was being put through at this time but this process had not been completed until the summer of 2012 and the employer / employee relationship between the named claimant and the respondent was preserved from the date of termination which fell on a date unknown.

The Tribunal finds that the claimant was not welcomed back to the workplace post accident and in the circumstances the claimant was unfairly dismissed. The Tribunal awards the sum of € 3,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

Loss having been established the Tribunal awards the sum of € 930.00, this being two weeks wages, under the Minimum Notice and Terms of employment Acts, 1973 to 2003.

The claim under the Organisation of Working Time act, 1997 was dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)