

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD191/2012
MN147/2012
WT83/2013

Against

EMPLOYER
Under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
ORGANISATION OF WORKING TIME ACT, 1997
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 R. Prole
Ms M. Mulcahy

heard this claim at Dublin on 3rd May 2013

Representation:

Claimant:

Respondent: No appearance or representation

The determination of the Tribunal was as follows:-

Being satisfied that the receiver was properly on notice of the hearing the Tribunal proceeded to hear the case. The respondent in this case was a casino.

The evidence given by the claimant was that he was paid off the books between 2002 and 2010. Because of his need for documentation for Social Protection he was put on the books for 20 hours per week and paid €150 by cheque. In effect the claimant was working up to 64 hours per week usually consisting of 8 eight hour shifts. The claimant received a further €350 per week cash from his employer.

An incident occurred at Christmas time where monies did not balance. He brought the matter to his boss's attention. On 30th December another balance was out but this time it was short by €1000.00 Both himself and his work colleague N were called to the office, the claimant requested that the Garda be called but was told no, it was a business secret.

He was asked for his keys, given €120.00 and told he would be contacted in a week. The balance owed to him was taken for the shortages. He later got a telephone call from N stating that it was known where his family lived in Pakistan and that emigration would be called.

The claimant told the Tribunal that it was policy that shortages were deducted from employees wages, it was the norm. He also stated that even though he took holidays, it was as his own expense, he was never paid for them.

Determination:

Based on the uncontroverted evidence of the claimant the Tribunal was satisfied that the claimant was unfairly dismissed.

Accordingly, the Tribunal awards €23,000-00 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal also awards the sum of € 2,000-00, this being four weeks annual leave owed under the Organisation of Working Time Act, 1997.

The Tribunal further awards €2,000-00, being four weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

