

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
MN622/2010, WT286/2010

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 C. Corcoran B.L.

Members: Mr J. Horan
Mr. S. O'Donnell

heard this claim at Dublin on 6th July 2011

Representation:

Appellant : In person

Respondent : No representation listed

The decision of the Tribunal was as follows:

Dissenting Opinion (from Mr O'Donnell)

From the evidence tendered, I am not satisfied that the provisions of the Minimum Notice and Terms of employment Acts, 1973 to 2005 were complied with in this case. In my opinion the appellant was not advised before leaving on holidays in September 2007 that this employment had actually ceased or would cease on a specific date after his return. Consequently I hold that the appellant is entitled to two weeks wages at €509.75 per week in lieu of notice.

Determination and Majority Opinion

Since the majority of the Tribunal is not satisfied that the provisions of the Minimum Notice and Terms of Employment Acts, 1973 to 2005 were not breached the appeal under those Acts fails.

The appeal under the Organisation of Working Time Act, 1997 is allowed and the appellant is awarded €509.75 as compensation under that Act.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

