

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL(S) OF:**

2 Employees

**CASE NO.**

PW105/2006

PW106/2006

against the recommendation of the Rights Commissioner in the case of:  
Employer

under

**PAYMENT OF WAGES ACT, 1991**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr. R. Prole  
Mr F. Barry

heard this appeal at Dublin on 29th May 2007

**Representation:**

Appellant(s) : Mr. Tom Fitzgerald, Regional Organiser, BATU, 13 Blessington Street, Dublin 7

Respondent(s) : Not present or represented

The decision of the Tribunal was as follows:-

**This case came before the Tribunal as a result of an appeal by two employees (the appellants) against a decision of the Rights Commissioner under the Payment of Wages Act, 1991, R-0042257-PW-06/JC, in the case of XXXX, (the respondent).**

**Determination:**

The Tribunal being satisfied the respondent was properly notified of the hearing and given the failure of the respondent or a representative on his behalf to appear, the Tribunal proceeded to hear the appeal.

The Tribunal heard submissions from the appellants' representative in respect of his clients appeal.

The Tribunal allows the appeal and awards both appellants the sum of €33,168.29 each, as detailed below, under the Payment of Wages Act, 1991:

May 2003 / December 2003

The hourly rate of a Grade A general operative equals €14.88. The appellants should have received the following per week;

39 hour week @ €14.88	=	€580.32
Five hours travel @ €14.88	=	€ 74.40
Three hours O/T @ €22.32	=	€ 66.96
Total		€721.68

26 weeks of an underpayment of €186.88 weekly to both appellants = €4,853.68

January 2004 / December 2004

The hourly rate of a Grade A general operative equals €15.48. The appellants should have received the following per week;

39 hour week @ €15.48	=	€603.72
Five hours travel @ €15.48	=	€ 77.40
Three hours O/T @ €23.22	=	<u>€ 69.66</u>
Total		€750.78

52 weeks of an underpayment of €215.78 weekly to both appellants = €11,220.56

January 2005 / September 2005

The hourly rate of a Grade A general operative equals €15.95. The appellants should have received the following per week;

39 hour week @ €15.95	=	€622.05
Five hours travel @ €15.95	=	€ 79.75
Three hours O/T @ €23.92	=	<u>€ 71.77</u>
Total		€773.57

37 weeks of an underpayment of €238.57 weekly to both appellants = €8,827.09

September 2005 / March 2006

The hourly rate of a Grade A general operative equals €15.95. The appellants should have received the following per week;

39 hour week @ €15.95	=	€622.05
Country Money	=	€159.14
Three hours O/T @ €23.92	=	<u>€ 71.77</u>
Total		€852.96

26 weeks of an underpayment of €317.96 weekly to both appellants = €8,266.96

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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