

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL(S) OF:**  
Employer

**CASE NO.**  
PW81/2006

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

under

### **PAYMENT OF WAGES ACT, 1991**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Mr M. Murphy  
Mr G. Lamon

heard this appeal at Dublin on 28th March 2007

#### **Representation:**

Appellant(s) : Mr. Breffini O'Neill, Construction Industry Federation, Canal Road, Dublin 6

Respondent(s) : Mr. Tim O'Sullivan, Gallagher Shatter, Solicitors, 4 Upper Ely Place, Dublin 2

This case came to the Tribunal by way of an appeal against a Rights Commissioner Recommendation r-041556-pw-06/TB

The decision of the Tribunal was as follows:-

#### **Determination:**

The Tribunal cannot hear the appeal as it has no option but to decline jurisdiction. S. 7(2) of the Payment of Wages Act, 1991, provides:

*“An appeal under this section shall be initiated by a party by his giving, within 6 weeks of the date on which the decision to which it relates was communicated to him-*

*(a) a notice in writing to the Tribunal containing such particulars (if any) as may be specified in regulations under subsection (3) and stating the intention of the party concerned to appeal against the decision, and*

*(b) a copy of the notice to the other party concerned.”*

The Tribunal is not satisfied that s.7 (2) (a) above has been complied with and therefore has no

alternative but to find that it does not have jurisdiction to hear the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Recommendation r-041556-pw-06/TB.

Sealed with the Seal of the  
Employment Appeals Tribunal

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