

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employer

CASE NO.
PW56/2006

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. P. McGrath BL

Members: Mr. J. Reid
Mr. F. Barry

heard this appeal in Dublin on 9 March 2007

Representation:

Appellant(s) :
XXXX

Respondent(s) :
Mr. Pavel Janeczek, Independent Workers Union, 55 North Main Street, Cork

This case came to the Tribunal by way of appeal against Rights Commissioner Decision r-040719-pw-06/JC under the Payment of Wages Act, 1991.

The decision of the Tribunal was as follows:-

Appellant's Case

The appellant's representative acknowledged that the appellant had received Rights Commissioner Decision r-040719-pw-06/JC within a few days of it being signed. The appellant's representative was then asked if the appellant, when initiating this appeal, had complied with Section 7(2)(b) of the Payment of Wages Act, 1991. The appellant's representative replied that, as far as she knew, the appellant had not complied with the said legislative provision.

Respondent's Case

The respondent's representative gave no indication that the appellant had complied with Section 7 (2)(b) of the Payment of Wages Act, 1991, when initiating the appeal.

Determination:

Section 7 (2) of the Payment of Wages Act, 1991, provides as follows:

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.

Given that the appellant has not satisfied the Tribunal that Section 7(2)(b) of the Act was complied with in this case, the Tribunal has no alternative but to affirm that Rights Commissioner Decision r-040719-pw-06/JC stands and to find that the appeal under the Payment of Wages Act, 1991, fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)