

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEALS OF:**

3 Employees

**CASE NO.**

PW09/2007

TE02/2007

PW10/2007

TE03/2007

PW11/2007

TE04/2007

against the recommendations of the Rights Commissioner in the case of:

Employer

under

**PAYMENT OF WAGES ACT, 1991  
TERMS OF EMPLOYMENT (INFORMATION) ACTS 1994 AND 2001**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr Dara Hayes BL

Members: Mr F. Cunneen  
Mr A. Butler

heard this appeal at Dublin on 14th March 2007

**Representation:**

Appellants: Mr. Richard Grogan of P C Moore & Company, Solicitors, 17 South  
Great Georges Street, Dublin 2

Respondent: No appearance. A letter of apology was received from  
XXXX

This case came to the Tribunal by way of appeals against the Rights Commissioner  
Recommendations r-044841-te-06/DI, r-044834-pw-06/DI, r-044838-te-06/DI,  
r-044840-pw-06/DI, r-043027-te-06/DI and r-043029-pw-06/DI.

## **Determination**

Based on the uncontested evidence of three appellants the Tribunal decided as follows.

**XXXX**

The claimant brings claims pursuant to the Payment of Wages Act, 1991 and the Terms of Employment (Information) Acts 1994 and 2001.

In respect of the Payment of Wages Act, he claims that from the week ending 30<sup>th</sup> November 2005 until the week ending 17<sup>th</sup> May 2006 he was paid less than he was due under the terms of the registered employment agreement.

His claim was lodged with the Rights Commissioner on 11<sup>th</sup> July 2006. The Act provides that a claim must be made within six months of the date of the contravention. The six months can be extended by a further six months if exceptional circumstances prevented the presentation of the complaint within the initial six months. The Tribunal is not satisfied that exceptional circumstances such as would allow the extension of time exist in this case.

The Tribunal is satisfied that improper deductions were made in this case and award, in respect of his claim under the Payment of Wages Act, 1991 the amount of €7,201.09.

The Tribunal is also satisfied that the claimant was not furnished with written terms of his employment as required by S.3 of the Act. It is an important statutory requirement that employees be given a written statement of the terms of their employment. In respect of this breach the Tribunal award the claimant compensation in the amount of €2,102.88, which amount being four weeks of his gross basic weekly pay.

Therefore, in respect of the claim under the Payment of Wages Act, 1991 the claimant is awarded €7,201.09 and in respect of the claim under the Terms of Employment (Information) Acts, 1994 and 2001 the claimant is awarded €2,102.88 being a total amount of €9,303.97.

**XXXX**

The claimant brings claims pursuant to the Payment of Wages Act, 1991 and the Terms of Employment (Information) Acts 1994 and 2001.

In respect of the Payment of Wages Act, he claims that from the week ending 30<sup>th</sup> November 2005 until the week ending 17<sup>th</sup> May 2006 he was paid less than he was due under the terms of the registered employment agreement.

His claim was lodged with the Rights Commissioner on 11<sup>th</sup> July 2006. The Act provides that a claim must be made within six months of the date of the contravention. The six months can be extended by a further six months if exceptional circumstances

prevented the presentation of the complaint within the initial six months. The Tribunal is not satisfied that exceptional circumstances such as would allow the extension of time exist in this case.

The Tribunal is satisfied that improper deductions were made in this case and award, in respect of his claim under the Payment of Wages Act, 1991 the amount of €8,967.98.

The Tribunal is also satisfied that the claimant was not furnished with written terms of his employment as required by S.3 of the Act. It is an important statutory requirement that employees be given a written statement of the terms of their employment. In respect of this breach the Tribunal award the claimant compensation in the amount of €2,102.88, which amount being four weeks of his gross basic weekly pay.

Therefore, in respect of the claim under the Payment of Wages Act, 1991 the claimant is awarded €8,967.98 and in respect of the claim under the Terms of Employment (Information) Acts, 1994 and 2001 the claimant is awarded €2,102.88 being a total amount of €11,070.86.

#### **XXXX**

The claimant brings claims pursuant to the Payment of Wages Act, 1991 and the Terms of Employment (Information) Acts 1994 and 2001.

In respect of the Payment of Wages Act, he claims that from the week ending 30<sup>th</sup> November 2005 until the week ending 8<sup>th</sup> March 2006 he was paid less than he was due under the terms of the registered employment agreement.

His claim was lodged with the Rights Commissioner on 11<sup>th</sup> May 2006. The Tribunal is satisfied that improper deductions were made in this case and award, in respect of his claim under the Payment of Wages Act, 1991 the amount of €10,144.95.

The Tribunal is also satisfied that the claimant was not furnished with written terms of his employment as required by S.3 of the Act. It is an important statutory requirement that employees be given a written statement of the terms of their employment. In respect of this breach the Tribunal award the claimant compensation in the amount of €2,391.48, which amount being four weeks of his gross basic weekly pay.

Therefore, in respect of the claim under the Payment of Wages Act, 1991 the claimant is awarded €10,144.95 and in respect of the claim under the Terms of Employment (Information) Acts, 1994 and 2001 the claimant is awarded €2,391.48 being a total amount of €12,536.43.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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