

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

PW59/2006

against the decision of the Rights Commissioner **R-039672-PW-06/DI**
In the case of

Employer
under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. M. O'Connell BL

Members Mr. D. Moore
Mr. P. Woods

heard this appeal at Dublin on 19 April 2007

Representation:

Appellant:

Mr. Tom O'Dwyer, Assistant Branch Secretary, SIPTU, Dublin Services Branch,
Liberty Hall, Dublin 1

Respondent:

Ms. Marian Becker of Denis McSweeney Solicitors, Grand Canal House,
1 Upper Grand Canal Street, Dublin 4.

This case came before the Tribunal as a result of an appeal by an employee (the appellant) against a decision of the Rights Commissioner under the Payment of Wages Act, 1991, R-039672-PW-06/DI, in the case of XXXX (the respondent).

The Appellant gave evidence that he was made redundant in November 2005. He worked for respondent for the period 21 November 05 to 23 December 05. His claim is for pay and overtime for the final 2 weeks of his employment. The claim for public holidays was not pursued.

The Appellant said that he was not paid at all for his last two weeks work. The respondent in turn said that he had been paid for the five weeks he worked.

There was confusion on both sides about the hours worked and the terms and conditions of the employment. The payslips issued to the appellant contained errors.

Determination

There was considerable confusion arising from the evidence in relation to the terms of the appellant's employment, the hours worked and the payment of wages. This confusion was not resolved to the satisfaction of the Tribunal.

Taking everything into account the Tribunal sets aside the recommendation of the Rights Commissioner and makes an award of €500.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)