

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
PW101/2006
TE80/2006

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

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. E. Murray

Members: Mr. M. Forde
Mr. D. McEvoy

heard these appeals in Cork on 25 October 2007

Representation:

Appellant(s) :

Mr. Noel Murphy, National Secretary, Independent Workers
Union, 55 North Main Street, Cork

Respondent(s) :

Ms. Carol A. Hickey, C.A. Hickey & Co., Solicitors, The
Square, Passage West, Co. Cork

This case came to the Tribunal by way of appeal against Rights Commissioner Recommendations
r-040785-pw-06-DI and r-040786-te-06-DI

The decision of the Tribunal was as follows:-

Having heard the evidence of the Appellant and the Respondent in this case and having heard what
was urged by the respective representatives this division of the Tribunal finds as follows:

The Appellant who is an apprentice painter claims for the payment of the differential between the
rate of pay that the Appellant received during his block release to FAS, in the course of his said
apprenticeship, and that which he would have received if his employer had registered him when he
first commenced employment with him. The Tribunal finds that it does not have to consider the
merits and demerits of the case as the claim, which in essence is a claim for damages for

negligence, does not fall within the scope of the Payment of Wages Act 1991. In addition the alleged loss occurred at a time when the Appellant was not employed with the Respondent and, in all the circumstances, this division of the Tribunal upholds the finding of the Rights Commissioner dated the 23rd of November 2006.

With regard to the appeal in respect of the findings of the Rights Commissioner in respect of the claim under the Terms of Employment Information Act 1994 and 2001 the Appellant did not bring his application within the time prescribed in the Act and the Tribunal is compelled to uphold the recommendation of the Rights Commissioner in this regard.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)