

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

PW13/2007

CASE NO.

TE5/2007

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. J. O'Connor

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

heard this appeal at Cork on 6th November 2007

Representation:

Appellant(s) : Mr. Pawel Janeczek, I.W.U., 55 North Main Street, Cork

Respondent(s) : Ms Bebhinn Murphy, Collins Brooks & Associates, Solicitors,
6/7 Rossa Street, Clonakilty, Co. Cork

The decision of the Tribunal was as follows:-

This matter came before the Tribunal by way of an employee appealing against the decisions of a Rights Commissioner in the case of Employee –vs- Employer (ref no. r-042362-pw-06/POB) under the Payment of Wages Act, 1991 and Employee –vs- Employer (ref no. r-042363-te-06/POB) under the Terms of Employment (Information) Act 1994 and 2001.

The appellant commenced his employment on the 16th January 2005 and ended on the 16th January 2006. The name of the employer (respondent) was amended by agreement at hearing. The appellant's wage was agreed as €11.03 gross pay per hour.

Determination:

As the appeal was lodged outside the requisite time limit permitted in the Payment of Wages Act, 1991 the Tribunal has no jurisdiction to hear the appeal. The Tribunal upholds the recommendation of the Rights Commissioner under the Payment of Wages Act, 1991 and accordingly, the appeal fails.

In relation to the appeal under the Terms of Employment (Information) Act, 1994 and 2001, the

Tribunal, conscious of section 3(1) and (2) of the Act, believes that the respondent was obliged to provide written terms of employment to the employee. The Tribunal finds that the appellant lodged a claim with the Rights Commissioners on the 9th May 2006, which was within the time limit delimited by Section 3 of the Act.

Accordingly, the Tribunal upsets the recommendation of the rights Commissioner and awards the appellant the amount of €1,764.80 (being four weeks' pay) under the Terms of Employment (Information) Act, 1994 And 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)