

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
Employer

CASE NO. PW75/2007
TE48/2007

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

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr M. Noone
Mr B. Byrne

heard this appeal at Dublin on 10th January 2008

Representation:

Appellant :

Mr. Marcin Szulc, Maguire McClafferty, Solicitors, 8 Ontario Terrace,
Portobello Bridge, Dublin 6

Respondent:

Mr Blazej Nowak, Emigrant Advice Centre, 1 Cathedral Street, Dublin 1

The decision of the Tribunal was as follows:

The appellant failed to put the respondent on notice of his appeal as is required by the Payment of Wages Act, 1991. The Tribunal therefore must rule that it has no jurisdiction to hear the appeal under the Payment of Wages Act, 1991.

The Tribunal heard the appeal under the Terms of Employment (Information) Act, 1994 and 2001. The appellant claimed that he furnished the respondent with a contract of employment within two weeks of her starting working for him, but that she refused to sign it as it was in English and her English was poor. The respondent claimed that the appellant never gave her a contract of employment. The appellant was unable to provide the Tribunal with a copy of the respondent's contract of employment.

Having heard of all of the evidence adduced, the Tribunal affirms the decision r-049012-te-07 of the Rights Commissioner under the Terms of Employment

(Information) Act, 1994 and 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)