

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
Employer

CASE NO.  
PW13/2008

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

under

### PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr D. Hayes

Members: Mr R. Murphy  
Mr. J. Dorney

heard this appeal at Navan on 8th May 2008

Representation:  
\_\_\_\_\_

Appellant(s) :

In Person

Respondent(s) :

No appearance by or on behalf of the Respondent

The decision of the Tribunal was as follows:-

#### **Determination**

This case came before the Tribunal by way of an appeal from a recommendation of a Rights Commissioner. There was no appearance by or on behalf of the Respondent.

The Appellant conceded that an error had been made in the original calculation of the Respondent's leave entitlement. It is the Appellant's case that he was only, in fact owed two days leave. The Appellant also submitted that the Rights Commissioner had used the Respondent's weekly pay rather than his daily pay as the basis for calculation.

The Appellant was not able to produce payslips, which would have clarified exactly what the Respondent had been paid and that he had been paid for all his overtime. This was unclear from the figures that were produced. The Appellant told the Tribunal that the Respondent had been furnished

with payslips. It is, of course, important that employees are furnished with statements of their wages, no matter the size of the employer.

The Tribunal is satisfied, and the Appellant very fairly conceded, that the Respondent had not been paid his full entitlement with regard to annual leave. The Tribunal is satisfied that the shortfall in this regard amounts to €200.00. However, from the figures furnished, the Tribunal is not satisfied that the Respondent was fully paid in respect of overtime. The Tribunal accepts that the amount of overtime in question amounts to 4.5 days and that the shortfall in this regard amounts to €450.00. Therefore the Tribunal is satisfied that the Respondent is entitled to compensation in the amount of €650.00 and varies the recommendation of the Rights Commissioner accordingly.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

