

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

PW11/2008  
TE5/2008

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. M. O'Connell B.L.

Members: Mr. R. Prole  
Ms. N. Greene

heard this appeal at Dublin on 10th April 2008

#### **Representation:**

Appellant: Mr. Blazej Nowak, 19 Talbot Street, Dublin 1

Respondent: No appearance or representation

The decision of the Tribunal was as follows:

It was pointed out to the Claimant's representative that the party making the appeal is obliged to notify the other side about it. The Claimant's representative said that they did this by sending a copy of the T1-B to the Respondent. The Tribunal agreed to go ahead with the appeal, but pointed out that, in future, it would require proof that such notification was sent.

#### **Appellant's case:**

The Claimant's representative said that his client lived in Poland now, but his - the representative's - address could be used. The appellant said that he worked as a carpenter for the Respondent for six months, however he later admitted that he only worked for 8 weeks, and was paid €390.00 per week. He said that he was not paid the correct rate of pay, and never received a contract of employment, nor a statement of earnings. The correct rate of pay should have been €17.71 per hour for a 39 hour week. He said that he only became aware of the correct rate after he left his job.

**This case came before the Tribunal by way of an appeal by the employee against the recommendation of a Rights Commissioner, ref: r-052617-te-07/MMG and r-052618-pw-07/MMG dated 11 December 2007.**

**Determination:**

The Tribunal heard the appeal having been satisfied that the Respondent was properly notified under section 7(2)(b) of the Payment of Wages Act, 1991. There was no appearance by or on behalf of the Respondent. The Tribunal had evidence that the applicant worked with the Respondent for approximately eight weeks as a carpenter. The applicant claimed that the REA (Registered Employment Agreement) was not implemented by the Respondent, and that despite requesting it, he was not given a copy of his contract of employment as required under the Terms of Employment (Information) Act, 1994.

Therefore, the Tribunal overturns the recommendation of the Rights Commissioner, and awards the appellant the sum of €4500.00 under the Payment of Wages Act, 1991.

In addition, the Tribunal overturns the recommendation of the Rights Commissioner, and awards him the sum of €250.00 under the Terms of Employment (Information) Act, 1994.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

