

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

Employee

PW62/2008

against the decision of the Rights Commissioner R-053103-PW-07/MH
In the case of

Employer

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mrs. M. Quinlan

Members: Mr. J. O'Neill
Ms. E. Brezina

heard this claim at Portlaoise on 2 September 2008

Representation:

Appellant:

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

Respondent:

No appearance by or representation on behalf of the respondent

The determination of the Tribunal was as follows: -

This case came before the Tribunal as a result of an appeal by an employee (the appellant) against a decision of the Rights Commissioner under the Payment of Wages Act, 1991, R-053103-PW-07/MH. The Tribunal, being satisfied that the respondent was properly on notice of the hearing, the appeal was heard in their absence.

Determination

The employee was employed from 21 February 2007 until 27 April 2007 on plastering work as a construction operative. Based on the uncontroverted evidence of the employee the Tribunal is satisfied that his hourly rate of pay was significantly less than that specified in the building industry registered employment agreement. In those circumstances The Tribunal upholds the appeal and sets

aside the decision of the Rights Commissioner. The Tribunal, not being satisfied about the total hours worked by the employee, measures the award under the Payment of Wages Act, 1991 at €3,500-00

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)