

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employer

CASE NO.
PW157/2008

- appellant

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

- respondent

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. Clancy

Members: Mr. J. Redmond
Ms H. Henry

heard this appeal at Loughrea on 26th May 2009

Representation:

Appellant(s) : John Carr, William Davis Solicitors, Lisbaun House, Tuam Road, Galway

Respondent(s) : VP Shields, Solicitors, Westbridge, Loughrea, Co. Galway

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of appeals against a Rights Commissioner's recommendation and decision referencer-063744 –pw-08.

Determination:

The Tribunal cannot hear the appeal as it has no option but to decline jurisdiction. S. 7(2) of the Payment of Wages Act, 1991, provides:

“An appeal under this section shall be initiated by a party by his giving, within 6 weeks of the date on which the decision to which it relates was communicated to him-

(a) a notice in writing to the Tribunal containing such particulars (if any) as may be specified in regulations under subsection (3) and stating the intention of the party concerned to appeal against the decision, and

(b) a copy of the notice to the other party concerned.”

The Tribunal is not satisfied that s.7 (2) (b) above has been complied with and therefore has no alternative but to find that it does not have jurisdiction to hear the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Recommendation .

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)