

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

CASE NO.

PW156/2008

- *appellant*

TE119/2008

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

Employer

- *respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms L. Ó Catháin

Members: Mr J.J. Killian
Mr J. McDonnell

heard this appeal at Cork on 3rd April 2009

Representation:

Appellant(s) : Mr. Noel Murphy, National Secretary, Independent Workers Union,
55 North Main Street, Cork

Respondent(s) : Mr. Dermot Kelly, Kelly & Dunlea, Solicitors, 5 South Mall, Cork

This case came before the Tribunal by way of an appeal by the employee against the recommendation of a Rights Commissioner, ref: r-056422-pw-07/MMG and r-0056423-te-07/MMG dated 6th August 2008.

The decision of the Tribunal was as follows:-

Background:

The appellant was appealing the recommendation of the Right's Commissioner because he was unhappy with the level of compensation awarded.

The Rights Commissioner found that the respondent had breached the Terms of Employment Acts, 1994 to 2001 by not submitting a written contract of employment to the appellant. The appellant was awarded the sum of € 1250.00.

In respect of the claim under the Payment of Wages Act, 1991 the appellant was awarded the sum of € 1,670.73 as a result of concluding that the appellant was due one public days holiday and one

week's annual holiday payments. The amount was calculated at the rate of pay differential between Grade A and the rates that were applied to him.

Determination:

Having heard evidence from both parties in the case, the Tribunal upholds the recommendation of the Rights Commissioner and determines that the appellant is awarded the sum of € 1250.00 under the Terms of Employment Acts, 1994 to 2001 and the sum of € 1,670.73 under the Payment of Wages Act, 1991.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)