

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
Employee - appellant

CASE NO.  
PW173/2008

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

Employee  
V  
Employer

under

### PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms E Kearney

Members: Mr T Gill  
Dr A Clune

heard this appeal at Loughrea on 14th May 2009

Representation:

Appellant: Mr Paul Gavan  
SIPTU  
Banba Square  
Nenagh  
Co Tipperary

Respondent: No appearance or representation

This case came before the Tribunal by way of an employee appealing against the Recommendation of a Rights Commissioner ref: (r-062826-pw-08/EH).

The decision of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was on notice of the hearing. The appellant contended that he was entitled to the craft rate of pay. The appellant was also claiming for non-payment of overtime and travel.

The appellant gave evidence that he was a qualified plumber and produced Polish certificates. He contended that he had trained for three years under supervision and three further years unsupervised.

The appellant claimed that he had not been reimbursed for train tickets he purchased when he worked in Athlone for 37½ days between September and December 2007. The appellant worked on two projects in Athlone, a hotel 10km outside Athlone, and a school. He contended that he was sometimes collected from the train station in the morning but that he normally he walked back to the train station in the evening. There were 15 plumbers onsite and two supervisors. There were no apprentice plumbers. He contended that he always worked alone. He was assigned the task of connecting buildings in Athlone, but also did other tasks as required such as welding, block laying, electrics and insulating pipes.

Determination:

The appellant was seeking to have the craft rate of pay applied. On the basis of the evidence adduced and the documentation submitted, including timesheets and payslips, which the Tribunal closely examined, the Tribunal is not satisfied that the appellant was entitled to the craft rate of pay. The Tribunal upholds the decision of the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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