

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:  
EMPLOYER - *appellant*

CASE NO.  
PW41/2009

EMPLOYER – *appellant*

TE36/2009

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

EMPLOYEE – *respondent*

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. O. Brennan

Members: Mr. L. Tobin  
Mr. P. Trehy

heard this appeal at Dublin on 6th July 2009

Representation:

Appellant: In person

Respondent: Mr. John Nelson of Nelson & Co. Solicitors,  
Templeogue Village, Dublin 6W

This case came before the Tribunal by way of the appellant appealing against the recommendations of a rights commissioner reference r-061410-pw-08/JT and r-061412-te-08/JT both dated 9 December 2008.

The decision of the Tribunal was as follows:-

**Appellant's case:**

The landlord served him with a notice to quit and wanted vacant possession of the retail premises. He sold all the stock to pay people. The respondent was not paid for her last week. He gave her some money after the shop closed but has no record of how much.

The respondent was paid the money owed for the back week. She was not given notice or paid in

lieu.

**Respondent's Case**

The upstairs tenant told her that there was a problem with the shop. She was given no notice, or holiday pay. She was paid €170.00 in cash after the shop closed.

She was not given a contract of employment.

**Determination**

The Tribunal carefully considered the evidence adduced. The Tribunal varies the recommendation of the Rights Commissioner in the case under the Payment of Wages Act, 1991 and awards the respondent €2000.00.

The Tribunal varies the recommendation of the Rights Commissioner in the case under the Terms of Employment (Information) Acts, 1994 and 2001 and awards the respondent €300.00

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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