

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:

EMPLOYER - *appellant*

CASE NO.

TE34/2009

PW39/2009

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

EMPLOYEE -respondent

Under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly B.L.

Members: Mr. T. O'Sullivan  
Mr J. Moore

heard this appeal at Navan on 30th October 2009

Representation:

\_\_\_\_\_

Appellant: In Person

Respondent: No appearance or representation on behalf of

The decision of the Tribunal was as follows: -

**Determination**

The Tribunal cannot hear the appeal, as it has no option but to decline jurisdiction. Section 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) (a) 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 r-063328-pw-08/JT.

The Tribunal finds that there has been a breach of the legislation but reduces the award to €1,500.00. Accordingly, the Tribunal varies the Rights Commissioners Decision

ref:r-063816-te-08/JT, under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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