

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER

CASE NO.
PW137/2009

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

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Fahy BL

Members: Mr. D. Morrison
Mr M. McGarry

heard this appeal at Castlebar on 18th November 2009

Representation:

Appellant(s) : In Person

Respondent(s) : Not present or represented

This case came before the Tribunal by way of an appeal by the employer against the decision made by a Rights Commissioner reference number: r-069311-pw-08/EOS.

The decision of the Tribunal was as follows:-

Appellant's Case:

The appellant gave evidence. He stated that he was not appealing the other recommendation by the Rights Commissioner in respect of the Payment of Wages, Act, 1991. When asked, he said that he had informed the respondent's representative from the Citizens Information Centre that he was appealing the decision but had not informed the respondent directly.

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) (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 r-069311-pw-08/EOS.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)