

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER
- appellant

CASE NO.
PW87/2009

against the decision 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 M. Gilvarry

Members: Mr. D. Morrison
Ms. R. Kerrigan

heard this appeal at Donegal on 9th February 2010

Representation:

Appellant: Mr. Francis Gillespie, Dunlevy & Barry, Solicitors, Quay Street, Donegal Town, Co Donegal

Respondent: Mr Kieran O’Gorman, O’Gorman Cunningham & Co., Solicitors, 16 Upper Main Street, Letterkenny, Co. Donegal

This case came before the Tribunal by way of an appeal by an employer appealing against the Decision of the Rights Commissioner ref:(r-070627-pw-08/ EOS)

The decision of the Tribunal was as follows:-

Determination

The appellant’s representative confirmed that the company had not notified the respondent directly of their intention to appeal the Rights Commissioners Decision.

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 determines that as the appellant has not complied with the mandatory statutory requirements for a valid appeal, pursuant to the provisions of section 7(2)(b) of the Payments of Wages Act, 1991, a valid appeal was not before it. Therefore the Tribunal has no jurisdiction to hear the appeal and accordingly the Decision of the Rights Commissioner under Payments of Wages Act, 1991, stands.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

