

EMPLOYMENT APPEALS TRIBUNAL

CORRECTING ORDER

APPEALS OF:

CASE NO.

EMPLOYER

PW46 /2006

TE61 /2006

Against

the recommendation of the Rights Commissioner in the case of:

EMPLOYEE -v-

EMPLOYER

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T. O'Mahony B.L.

Members: Mr D. Hegarty
Ms H. Kelleher

heard these appeals at Cork on 30th July 2007 and 27 January 2009

Representation:

Appellant :

Ms. Veronica Neville, R. Neville & Co., Solicitors, Old
Bank House, South Main Street, Bandon, Co. Cork

Respondent :

Mr Noel Murphy, Independent Workers Union,
55 North Main Street, Cork

The decision of the Tribunal was as follows:-

The above came before the Tribunal by way of appeals by the employer against the decision and

recommendation of the Rights Commissioner respectively Ref: r-038108-pw-05-DI and r-038111-te-05-DI both dated 18 May 2006.

This order corrects the original order dated 8th May 2009 and should be read in conjunction with that order.

Determination:

The Determination should have read as follows: The Tribunal in the absence of any evidence to the contrary is satisfied that both appeals are out of time. Accordingly, the decision of the Rights Commissioner under the Payment of Wages Act, 1991 that the employee be paid €432 in compensation for non-payment of her outstanding annual holiday entitlement and €194.40 in compensation for non-payment of her entitlement to Public Holidays is affirmed and the recommendation of the Rights Commissioner under the Terms of Employment (Information) Act, 1994 that the employee be paid compensation in the sum of €432 is also affirmed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

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Bank House, South Main Street, Bandon, Co. Cork

The decision of the Tribunal was as follows:-

The above came before the Tribunal by way of appeals by the employer against the decision and recommendation of the Rights Commissioner respectively Ref: r-038108-pw-05-DI and r-038111-te-05-DI both dated 18 May 2006.

The appellant is hereinafter referred to as the employer and the respondent is referred to as the employee.

These appeals were set down for hearing in Cork on 30 July 2007. The employer was present at the hearing. The employee was not in attendance. The decision and recommendation of the Rights Commissioner were both dated 18 May 2006. However, Form T1-b relating to the appeal under the Terms of Employment (Information) Act was lodged with the Tribunal on 5 July 2006. Form T1-B relating to the appeal under the Payment of Wages Act was lodged with the Tribunal on 25 July 2006. In both cases the appeals seemed to be outside the prescribed six-week period for lodging such appeals. The employer had no proof with him as to when the decision and the recommendation were communicated to him. The appeals were adjourned to allow the employer time to provide any such proof that he might have that either or both of them were communicated to him within the six-week period immediately preceding the lodgement of the appeals with the Tribunal.. The employer did not provide proof of receipt as requested.

This case was listed for mention on 27 January 2009. The employer/appellant was not present on that occasion.

Determination:

The Tribunal in the absence of any evidence to the contrary is satisfied that both appeals are out of time. Accordingly, the decision of the Rights Commissioner under the Payment of Wages Act, 1991 that the employee be paid €432 in compensation for non-payment of outstanding holiday entitlement is affirmed and the recommendation of the Rights Commissioner under the Terms of Employment (Information) Act 1994 that the employee be paid compensation in the sum of €194.40 is also affirmed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

