

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER

CASE NO.
PW203/2009

- appellant

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

- respondent

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr K. Buckley

Members: Mr. P. Casey
Ms. P. Doyle

heard this appeal at Cork on 1st October 2010

Representation:

Appellant(s) : Mr Donal Molloy, 26 Dewberry, Mount Oval, Rochestown, Co. Cork

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal from a Rights Commissioner's recommendation Ref: PW20532/04/JC

The decision of the Tribunal was as follows:

The Rights Commissioner's hearing took place on 9th August 2009 and a decision issued on 14th August 2009. The appellant (employer) lodged an appeal, which the secretariat received on 4th September 2009. However the appellant in this case did not notify the respondent (employee) in this case within the six-week period.

Determination

The Tribunal cannot hear the appeal as it has no option but to decline jurisdiction. S. 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 PW071005-pw-08/GC.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)