

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:		CASE NO.
EMPLOYEE		PW177/09
	- appellant 1	TE169/09
EMPLOYEE		PW178/09
	- appellant 2	TE170/09

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

EMPLOYER

- respondent

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. O. Madden B.L.

Members: Mr. R. Prole
Mr. C. Ryan

heard this claim at Naas on 19th October 2010.

Representation:

Appellants: In person.

Respondent: Ms Muireann McEnery, Peninsula Business Services Ireland Limited, Unit 3,
Ground Floor, Block S, East Point BusinessIn person.

The decision of the Tribunal was as follows:-

These appeals came before the Tribunal by way of the employees (the appellants) appealing against the decisions of the Rights Commissioner under the Payment of Wages Act, 1991 (ref. r-075177-pw-09/RG and ref. r-075178-pw-09/RG).

Determination:

The Tribunal is satisfied that the appellants, by their own admission, did not notify the respondent of their intention to appeal the decisions of the Rights Commissioner under the Payment of Wages Act, 1991. Accordingly, as the appellants did not comply with the mandatory statutory requirements for the making of a valid appeal to the Tribunal pursuant to the provisions of Section 7(2)(b) of the Payment of Wages Act, 1991, the Tribunal unanimously determines that valid appeals were not before it. In the circumstances, the Tribunal determines that it has no jurisdiction to hear and determine any such appeals from the said decisions of the Rights Commissioner.

The Tribunal is also satisfied that no complaints under the Terms of Employment (Information) Acts, 1994 and 2001 were referred to the Rights Commissioners Service in the first instance and consequently no appeals were before the Tribunal.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)