

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

- appellant 1

PW 88/10

TE92/10

Against the recommendations of the Rights Commissioner in the case of
EMPLOYER

- respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S.C.

Members: Mr. M. Noone
Mr. J. Flannery

heard these appeals at Wicklow on 20th December 2010.

Representation:

Appellant: In person.

Respondent: No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

These appeals came before the Tribunal by way of the employee (the appellant) appealing against the decisions of the Rights Commissioner under the Payment of Wages Act, 1991 (ref. r-0862662-pw-09/EH and under the Terms of Employment (Information) Acts, 1994 and 2001 ref. r-082663-te-09/EH).

Determination:

The Tribunal is satisfied that the respondent was properly notified of this hearing. Neither the respondent nor a representative on their behalf appeared at the hearing.

No evidence was adduced by the appellant in respect of payment of wages. Accordingly, the Tribunal dismisses the appeal under the Payment of Wages Act, 1991 and affirms the decision of the Rights Commissioner.

The Tribunal is satisfied that the appellant never received written terms of employment from the respondent despite having requested them. Accordingly, the appeal under the Terms of Employment (Information) Acts 1994 and 2001 succeeds and the Tribunal upsets the decision of the Rights Commissioner and awards the appellant €2436.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)