

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYER

CASE NO
PW221-226/09

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

EMPLOYER - *appellant*

-v-

6 EMPLOYEES

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. J Mc Govern BL
Members: Mr D. Winston
Mr. M O'Reilly

heard this appeal at Dublin on 23rd November 2010

Representation:

Appellant: In person

Respondent: Maguire Mc Clafferty, Solicitors, 8 Ontario Terrace, Portobello Bridge
Dublin 6

The decision of the Tribunal was as follows:

This case came before the Tribunal by way of an appeal by the employer against the decisions and recommendations of a Rights Commissioner Ref: r-075226-pw-09/GC, r-075339-pw-09/GC, r-075336-pw-09/GC, r075398-pw-09/GC, r075393-pw-09/GC, r-075221-pw-09/GC, r075227-te-09GC, r-075344-te-09/GC, r-075337-te-09 GC, r-075397-te-09/GC, r-075392-te-09GC, r-075222-te-09/GC

The Tribunal cannot hear this 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 the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Decisions is not correctly before the Tribunal.

No evidence was required from the respondents because the appellant accepted that he had not issued the respondents with written contracts of employment. Therefore the appeal under the Terms of Employment (Information) Act 1994 and 2004 is dismissed and accordingly the Tribunal affirm the recommendations of the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)