

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE *-appellant 1*

CASE NO.
PW43/2010
TE36/2010

EMPLOYEE *-appellant 2*

PW42/2010
TE35/2010

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

EMPLOYER

EMPLOYER *-respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr. A. O'Mara
Mr P. Trehy

heard this appeal at Dublin on 16th September 2010

Representation:

Appellant: Mr. Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot Street, Dublin 1

Respondent: In Person

This case came before the Tribunal by way of an appeal by the employees against the recommendations of a Rights Commissioner Ref: r-076695-pw-09/POB, r-076696-te-09/POB, r-076663-pw-09/POB and r-076660-te-09/POB.

The appeals of **r-076696-te-09/POB, r-076660-te-09/POB** under the Terms of Employment (Information) Act 1994 were withdrawn at the outset.

Background

The appellants worked for the respondent as Construction Operatives. The appellants were not paid the correct rate as per the Construction Industry Registered Employment Agreement. The Labour Court made the determination that the respondent was covered by the Construction Industry Registered Employment Agreement and therefore the appellants should have been paid the correct rate as per the Registered agreement.

The respondent is a Fire prevention company and does not believe it is covered by the Construction Industry Registered Employment Agreement but is aware that they are bound by the decision of the

Labour Court.

Determination

The Tribunal find that the employees should have been paid the correct Construction Operatives rate and are therefore due the awards as follows;

The Tribunal upset the recommendation of the Rights Commissioner **r-076695-pw-09/POB** and awards appellant 1 €7,264.24 under the Payment of Wages Act 1991. This claim is from the 12th of September 2008 to December 2008.

The Tribunal upset the recommendation of the Rights Commissioner **r-076663-pw-09/POB** and awards appellant 2 €4,196.05 2008 under the Payment of Wages Act 1991. This claim is from the 12th of September 2008 to November 2008.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)