

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
PW321/2010

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

EMPLOYER
under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Madden B.L.

Members: Mr. B. Kealy
Mr F. Keoghan

heard this appeal at Dublin on 24th May 2011

Representation:

Appellant :

No representation listed

Respondent:

No representation listed

The decision of the Tribunal was as follows:-

At the Tribunal hearing of this appeal the respondent's representative stated that the appellant had not given a copy of the notice of appeal of Rights Commissioner Decision r-089931-pw-10/TB to the respondent within six weeks of the said decision being given as required by S.7 (2)(b) of the Payment of Wages Act, 1991.

Determination:

Regarding appeals from decisions of rights commissioners, Section 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 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.”

Given that Section 7 (2) (b) is a mandatory legislative provision, the Employment Appeals Tribunal has no discretion to disregard it. The appeal under the Payment of Wages Act, 1991, against Rights Commissioner Decision r-089931-pw-10/TB fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

