

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
PW86/2010
TE90/2010

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

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: Mr C Corcoran BL

Members: Mr A O'Mara
Mr G Whyte

heard this appeal at Trim on 6th May 2011

Representation:

Appellant(s): No appearance or representation

Respondent(s): Ms Catherine Day
Peninsula Business Services (Ireland) Limited
Unit 3 Ground Floor, Block S, East Point Business Park, Dublin 3

This case came before the Tribunal by way of an employee appealing the decision of a Rights Commissioner under the Payment of Wages Act, 1991, (ref: r-077744-pw-09/JW) and the recommendation of a Rights Commissioner under the Terms of Employment (Information) Act, 1994 and 2001, (ref: r-077730-te-09/JW).

The decision of the Tribunal was as follows:

There was no appearance by or representation on behalf of the appellant. The Tribunal is satisfied that the appellant was on notice of the hearing. The respondent's representative submitted that the respondent had not been notified of the appeal under the Payment of Wages Act, 1991, as per the Act.

A witness for the respondent gave evidence that the appellant had received a written contract

of employment which he had refused to sign. The respondent's representative contended that the appeal brought by the appellant was of a frivolous and vexatious nature as he had not attended the hearing and had made numerous other claims against the respondent. In regard to the Payment of Wages Act, 1991, the appellant was made redundant on November 14th 2008 and lodged his claim with the Rights Commissioner Service on April 6th 2009 meaning that he could only claim from October 6th 2008 until the termination date. The Rights Commissioner had dismissed both of the claims.

Determination:

The Tribunal dismisses the appeals under the Payment of Wages Act, 1991, and the Terms of Employment (Information) Act, 1994 and 2001, for want of prosecution. In the view of the Tribunal the case as denoted brought by the appellant was frivolous and vexatious and accordingly the Tribunal awards €200 (two hundred euro) expenses against the appellant to be paid to the respondent.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)