

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER

- appellant

CASE NO.
TE262/2009
TE263/2009
TE264/2009
TE265/2009
PW247-PW250/2009

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

EMPLOYEE *- first named respondent*

EMPLOYEE *- second named respondent*

EMPLOYEE *- third named respondent*

EMPLOYEE *- fourth named 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 J. Lucey

Members: Mr. A. O'Mara
Ms S. Kelly

heard this appeal at Limerick on 20th July 2011

Representation:

Appellant(s) : Hayes, Solicitors, Lavery House, Earlsfort Terrace, Dublin 2

Respondent(s) : Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

The decision of the Tribunal was as follows:-

These appeals come before the Tribunal on behalf of the appellant (the employer) against the four respondents (the employees) under the Payment of Wages Act, 1991 and the Terms of employment Acts, 1994 and 2001, references PW45234/06/MR, TE45229/06/MR, PW45245/06/MR, TE45238/06/MR, PW44800/06/MR, TE44799/06/MR, PW44803/06/MR and TE44801/06/MR.

The four cases in respect of the four respondents in this case are all the same.

Background:

The Rights Commissioner heard submissions from all parties in this case.

The four respondents were employed by the appellant company for four different periods each between September 2004 and June 2006. None of the respondents received written terms of their contracts of employment from the appellant company. The Rights Commissioner could find no evidence before him to suggest the appellant company had complied with the requirements under the Terms of Employment Acts, 1994 and 2001.

The Rights Commissioner's decision was to award the below stated awards to each respondent under section 7 (2) of the Terms of Employment Act, 1994 to 2001:

First named respondent the sum of € 2,100.00

Second named respondent the sum of € 2,100.00

Third named respondent the sum of € 2,100.00

Fourth named respondent the sum of € 2,100.00

In respect of the claims under the Payment of Wages Act, 1991 the Rights Commissioner regarded the claims well founded however the figures adduced were "somewhat exaggerated". However he also found that there had been a shortfall in wages and holiday pay.

The Rights Commissioner's decision was to award the below stated awards to each respondent in accordance with Section 6 (2) of the Payment of Wages Act, 1991 :

First named respondent the sum of € 3,200.00

Second named respondent the sum of € 2,000.00

Sergejs named respondent the sum of € 2,000.00

Valerijs named respondent the sum of € 3,000.00

Determination:

Having submission by all parties in these appeals the Tribunal finds in favour of the decisions of

the Rights Commissioner and awards the relevant sums stated above for each respondent in these cases. Therefore the appellants appeals under the Payments of Wages Acts, 1991 and the Terms of Employment Acts, 1994 and 2001 fail.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)