

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

-Appellant (Employee)

PW52/10

against the decision of the Rights Commissioner **R-081150-PW-09**
In the case of

-Respondent (Employer)

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Dr. A-M Courell BL

Members: Mr. T. L. Gill
Ms. H. Murphy

heard this appeal at Galway on 8 July 2011

Representation:

Appellant:
In person

Respondent:
No appearance by, or representation on behalf of the respondent

The determination of the Tribunal was as follows: -

This case came before the Tribunal as a result of an appeal by an employee (the appellant) against a decision of the Rights Commissioner under the Payment of Wages Act, 1991 **R-081150-PW-09**, in the case of an employer (the respondent).

Determination

The appellant's complaint was received by the Rights Commissioner service on 11 June 2009. Section 6 (4) of the Payment of Wages Act provides

A rights commissioner shall not entertain a complaint under this section unless it is presented to him within the period of 6 months beginning on the date of the contravention to which the complaint relates or (in a case where the rights commissioner is satisfied that exceptional

circumstances prevented the presentation of the complaint within the period aforesaid) such further period not exceeding 6 months as the rights commissioner considers reasonable.

The appellant's employment with the respondent ended on 19 December 2008 and his complaint related to non-payment for working on public holidays. The Tribunal was not satisfied that exceptional circumstance prevented the appellant from lodging his complaint and therefore could only consider public holidays that fell in the period from 12 December 2008 until the end of the employment one week later. As no public holidays fall within that period there can be no entitlement to public holiday pay. Accordingly, the Tribunal affirms the decision of the Rights Commissioner that the complaint under the Payment Of Wages Act, 1991 is not well founded.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)