

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE-*Appellant*

CASE NO.

PW104/2010

against the recommendation of the Rights Commissioner in the case of:
EMPLOYER-*Respondent*
under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S C
Members: Mr. E. Handley
Mr. J. Flannery

heard this appeal at Dublin on 2nd September 2011

Representation:

Appellant:

Mr Richard Grogan, Richard Grogan & Associates, Solicitors,
16 & 17 College Green, Dublin 2

Respondent:

Mr. Michael McAteer, Grant Thornton, Chartered Accountants,
24/26 City Quay, Dublin 2

This case came to the Tribunal by way of an appeal by the employee against the Rights Commissioner's decision r-083592-pw-09/JC.

Appellant's case

The appellant appealed on the grounds that the Rights Commissioner had extended the period of time covered by the Organisation Of Working Time Act but had not allowed the same extension in relation to the claim before him under the Payment Of Wages Act, 1991. The appellant's solicitor was at a loss to understand why this was the case.

The tribunal notes that the words used in the Payment Of Wages Act are stricter than those in the Organisation Of Working Time Act. The former states that an extension may be allowed in exceptional circumstances whereas the latter states that an extension may be allowed if there are reasonable grounds.

The appellant had no other reason to offer in support of his appeal.

Determination

The Tribunal are not satisfied that there were exceptional circumstances preventing the appellant

from making a claim under the Payment Of Wages Act, 1991 within six months of the first infringement and therefore makes a ruling to the like affect as the Rights Commissioner's decision r-083592-pw-09/JC and awards the appellant €100.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

