

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER

CASE NO.
PW240/2010

- appellant

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

- respondent

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath

Members: Mr J. Horan
Mr. J. Dorney

heard this appeal at Dublin on 7th October 2011

Representation:

Appellant(s) : Frank O'Connell, CF O'Connell & Co., Solicitors, 55, Grand Parade, Cork

Respondent(s) : Not Present or Represented

This case came before the Tribunal by way of an employer appealing against the decision of a Rights Commissioner under the Payment of Wages Act 1991 reference: r-072397-pw-08/JT.

The decision of the Tribunal was as follows:-

Determination

The Tribunal cannot hear the appeal, as it has no option but to decline jurisdiction. 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 date on which 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.”

The Tribunal is not satisfied that s.7 (2) (b) above has been complied with and therefore has no alternative but to find that it does not have jurisdiction to hear the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Recommendation r-072397-pw-08/JT.

The decision of the Rights Commissioner stands.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)