

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

- appellant

PW144/11

TE112/11

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: Ms O. Madden B.L.

Members: Mr R. Murphy
Mr. S. O'Donnell

heard this appeal at Dublin on 21st September 2011.

Representation:

Appellant: Mr. Blazej Nowak, Polish Consultancy Enterprise, 107 Amiens
Street, Dublin 1

Respondent: No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

These appeals came before the Tribunal whereby the employee (the appellant) appealed the decisions of the Rights Commissioner under the Payment of Wages Act, 1991 and the Terms of Employment Acts, (Information Acts), 1994 and 2001 (ref. r-100008-pw-10/EH and ref r-100010-te-10/EH).

Determination:

The Tribunal is satisfied that the respondent was duly notified of the hearing. Neither the respondent nor a representative on their behalf appeared at the hearing.

Based on appellant's uncontested evidence and having considered the terms of the registered employment agreement for the construction industry, the Tribunal upsets the recommendation of the Rights Commissioner and awards the appellant €995.77 under the Payment of Wages Act, 1991.

The Tribunal are also satisfied that on the uncontested evidence of the appellant he never received written terms of employment from the respondent. Accordingly, the appeal under the Terms of Employment (Information) Acts, 1994 and 2001 succeeds and the Tribunal upsets the decision of the Rights Commissioner and awards the appellant €100.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)