

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER -*Appellant*

CASE NO.
PW100/2010

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 B.L.

Members: Mr. B. Kealy
 Mr F. Barry

heard this appeal at Dublin on 30th August 2011

Representation:

Appellant: Mr. C of the company

Respondent: No appearance or representation

The decision of the Tribunal was as follows:

This case came before the Tribunal as a result of an employer (the appellant) appealing the decision of a Rights Commissioner under the Payment of Wages Act, 1991 (reference: R-085645-pw-09).

The Rights Commissioner upheld the employee's complaint based on her uncontested evidence and awarded her the sum of €530 for holiday pay and €378 as payment in lieu of notice. This Decision was dated 5th March 2010.

The employee did not attend the Tribunal hearing on 30th August 2011. The Tribunal was satisfied that the employee was duly notified of the hearing. Neither the employee nor a representative on her behalf attended the hearing.

A director of the company stated that a Division of the Tribunal heard the employee's direct claims under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of

Working Time Act, 1997 at a hearing on 17th August 2010 (reference MN2153/09). It was the director's case that the employee had outlined at that hearing that she had been paid her minimum notice and holiday entitlements. The Tribunal on that occasion determined that the claims should be dismissed based on the evidence from both parties.

Determination:

In these circumstances the Tribunal finds it must upset the Rights Commissioner Decision (reference R-085645-pw-09) and uphold the appeal under the Payment of Wages Act, 1991.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)