

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER- *appellant*

CASE NO.
PW232/2010

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

PW234/2010

EMPLOYEE – *respondent No 1*

PW236/2010

EMPLOYEE – *respondent No 2*

EMPLOYEE – *respondent No 3*

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr P. Pierce
Mr G. Whyte

heard this appeal at Dublin on 26th January 2012

Representation:

Appellant(s) : Ms Fleur O'Shea, Byrne Wallace, Solicitors, 2 Grand Canal Square, Dublin 2

Respondent(s) : Mr Barry O'Donoghue, Ferrys, Solicitors, Inn Chambers, 15
Upper Ormond Quay, Dublin 7 representing *respondent No 2*

Ms Emma Coffey, Smyth & Son, Solicitors, Rope Walk,
Drogheda, Co Louth representing *respondent No 1*

This case came before the Tribunal by way of an employer appealing against the decision of the Rights Commissioner under the Payment of Wages Act 1991 ref r-084226-pw-09 JOC, r-084224-pw-09 JOC, r-084213-pw-09 JOC.

Preliminary Point

The appeal by the appellant in respect of respondent No 3 was withdrawn by the appellant's representative on the day of the hearing.

Determination

At the outset of the hearing the appellant's representative stated that she was not in a position to prove that written notification of the appeal had been served on the respondents. Section 7 (2) (b) of the Payment of Wages Act 1991 provides that:

“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 copy of the notice to the other party concerned”.

The Tribunal is not satisfied that this provision has been complied with and accordingly determines that it has no jurisdiction to hear the appeal.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

