

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *Appellant*

CASE NO.
PW219/2010

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 R. Maguire, B.L.
Members: Mr. A. O'Mara
Mr J. Jordan

heard this appeal at Dublin on 1st February 2012

Representation:

Appellant(s) : Mr Emmet Butler, Butler Monk, Solicitors,
Dmg Business Centre, 12 Camden Row, Dublin 8

Respondent(s) : Mr. David Farrell, Ir/Hr Executive, Ibec,
Confederation House, 84/86 Lower Baggot Street, Dublin 2

This case came before the Tribunal by way of appeal against Rights Commissioner decision R-086254-PW-09/TB

Preliminary Issue

The representative for the respondent stated that the Tribunal did not have jurisdiction to hear this appeal as the appellant had not fulfilled the requirements as specified under Section 7 (2)(b) of the Payment of Wages Act, 1991.

Counsel for the appellant could not confirm when the decision was communicated to the respondent.

Determination

The Tribunal was not satisfied that the appellant had communicated the notice of appeal to the respondent in accordance with the requirement under Section 7(2)(b) of the Payment of Wages Act, 1991.

The Tribunal does not have jurisdiction to hear the appeal and therefore the decision of the Rights Commissioner is upheld.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

