

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL OF:**

**CASE NO.**  
PW291/2010  
TE236/2010

EMPLOYER

- *Appellant 1*

EMPLOYER

- *Appellant 2*

EMPLOYER

- *Appellant 3*

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

EMPLOYEE

- *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 P. McGrath B.L.

Members: Mr. A. O'Mara  
Mr J. Maher

heard this appeal at Dublin on 20th February 2012 and 18th June 2012

**Representation:**

Appellant 1: Ms Reiltin McCaul, IACTO, Suite 1B, Bluebell Business Centre, Old Naas Road, Dublin 12

Appellant 2: HR Manager

Appellant 3: HR Manager

Respondent: Ms. MP Guinness, B.L., instructed by Ms. Aine Curran, O'Mara Geraghty McCourt, Solicitors, 51 Northumberland Road, Dublin 4

This case came before the Tribunal by way of an appeal by Appellant 1 against the recommendations by a Rights Commissioner, reference numbers r-084830-te-09/SR and

r-084828-pw-09/SR.

The decision of the Tribunal was as follows:-

Following an application on behalf of the respondent the Tribunal finds that, as appellant 1 has not complied with section 7 (2) b of the Payment of Wages Act, 1991, there is no jurisdiction to hear the appeal under that Act.

The parties to this de novo hearing agreed that the appeal under the Terms of Employment (Information) Act, 1994 and 2001 should be allowed. As the 1<sup>st</sup> Appellant is not the appropriate employer the Tribunal, in agreement with the parties, substituted the 2<sup>nd</sup> and 3<sup>rd</sup> Appellants as being the appropriate employers under the Terms of Employment (Information) Acts, 1994 and 2001.

**Determination**

The Tribunal awards the respondent €350 from Appellant 2 and €350 from Appellant 3 in compensation for their failure to meet their requirements under the Terms of Employment (Information) Act, 1994 and 2001. Accordingly the Tribunal upsets the recommendation of the Rights Commissioner, reference r-084830-te-09/SR.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)