

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER

CASE NO.

appellant

PW178/2011

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

EMPLOYER

appellant

and

EMPLOYEE

respondent

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms J. McGovern B.L.

Members: Mr M. Noone
Mr F. Barry

heard this appeal at Dublin on 19th October 2012

Representation:

Appellant(s): REP

Respondent(s): The respondent in person

This case came before the Employment Appeals Tribunal by way of an employer appealing the decision of the rights commissioner reference r-094955-pw-10/MMG dated 11th March 2011.

The decision of the Tribunal was as follows:-

Determination

The respondent told the Tribunal that she was not exactly sure when she received the notice of appeal. She received confirmation from the Employment Appeals Tribunal and that was the first time she became aware of an appeal.

Under Section 7 (1) (2) (b) of the Payment of Wages Act, 1991

7. (1) a party concerned may appeal to the Tribunal from a decision of a right commissioner under section 6 and, if he does so, the Tribunal shall give the parties an opportunity to be heard by it and to present to it any evidence relevant to the appeal, shall make a determination in writing in relation to the appeal affirming, varying or setting aside the decision and shall communicate the termination of the parties

(2) 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) A notice in writing to the Tribunal containing such particulars (if any) as may be specified in regulations under subsection (3) and stating the intention of the party concerned to appeal against the decision, and

(b) A copy of the notice to the other party concerned.

The Tribunal is satisfied that the appellant did not furnish the respondent with a copy of the notice. The Tribunal affirms the decision of the Rights Commissioner and awards the respondent €13,687.00 under the Payment of Wages Act, 1991 and the appeal therefore fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)