

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
PW246/2011

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

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey BL

Members: Mr. A. O'Mara
Mr. S. O'Donnell

heard this appeal in Dublin on 22 October 2012

Representation:

Appellant(s):

No legal or trade union representation at the hearing

Respondent(s)

Mr. Peter Leonard BL instructed by
Mr. Blazej Nowak, Polish Consultancy Enterprise,
107 Amiens Street, Dublin 1

The decision of the Tribunal was as follows:-

This case came to the Tribunal as an employee appeal under the Payment of Wages Act, 1991, against Rights Commissioner Decision r-099943-pw-10 after there had been no attendance by or on behalf of employee or employer at the Rights Commissioner hearing scheduled for the matter on 21 February 2011.

At the Tribunal hearing it was put to the appellant employee that he might not have given a

copy of his appeal to his employer within six weeks of his receipt of the abovementioned Rights Commissioner Decision as required by Section 7 (2) (b) of the Payment of Wages Act, 1991.

Replying through a Tribunal-appointed interpreter, the appellant, although unrepresented at the Tribunal hearing speculated that a copy of his appeal might have been given to the employer by a representative of the appellant.

It was then stated to the Tribunal that the employer's position was that it had not received a copy of the appeal as required by Section 7 (2) (b) of the Payment of Wages Act, 1991.

Determination:

As it was not established to the satisfaction of the Tribunal that Section 7 (2) (b) of the Payment of Wages Act, 1991, had been complied with, the Tribunal has no alternative but to dismiss the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Decision r-099943-pw-10.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)