

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER

CASE NO.
PW194/2011
TE147/2011

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

under

**PAYMENT OF WAGES ACT, 1991
TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey BL

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

heard this case in Dublin on 22 October 2012

Representation:

Appellant(s):

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

Respondent(s):

No legal or trade union representation at the hearing

The decision of the Tribunal was as follows:-

This case came to the Tribunal as an employer appeal against Rights Commissioner Decision r-098595-pw-10/EH by which the employer was ordered to pay the employee the sum of €7,669.01 under the Payment of Wages Act, 1991, and against Rights Commissioner Recommendation r-098594-te-10/EH by which the employer was ordered to

pay the employee the sum of €1,250.00 under the Terms of Employment (Information) Acts, 1994 and 2001.

The appeal against Rights Commissioner Recommendation r-098594-te-10/EH (by which the employer was ordered to pay the employee the sum of €1,250.00) under the Terms of Employment (Information) Acts, 1994 and 2001, was withdrawn at the Tribunal hearing.

Regarding the appeal against Rights Commissioner Decision r-098595-pw-10/EH by which the employer was ordered to pay the employee the sum of €7,669.01 under the Payment of Wages Act, 1991, the appellant employer's barrister (who attended the Tribunal hearing alone without anyone accompanying him such as anyone from the appellant company) stated that €3,000.00 had been due to the employee and that the company had no problem with that but that the award of €7,669.01 under the Payment of Wages Act, 1991, was contested.

Determination:

The Tribunal notes that the appeal against Rights Commissioner Recommendation r-098594-te-10/EH (by which the employer was ordered to pay the employee the sum of €1,250.00) under the Terms of Employment (Information) Acts, 1994 and 2001, was withdrawn at the Tribunal hearing.

Regarding the appeal against Rights Commissioner Decision r-098595-pw-10/EH by which the employer was ordered to pay the employee the sum of €7,669.01 under the Payment of Wages Act, 1991, the Tribunal felt it was inappropriate that the appellant company should send a lone barrister to make the appeal unaccompanied by anyone from the company to give sworn testimony. Under those circumstances, the appeal is dismissed and the Tribunal affirms Rights Commissioner Decision r-098595-pw-10/EH by which the employer was ordered to pay the employee the sum of €7,669.01 under the Payment of Wages Act, 1991.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)