

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.
PW449/2011

EMPLOYER *-appellant*

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

EMPLOYEE

-v-

EMPLOYER

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms K. T. O'Mahony B.L.

Members: Mr J. Hennessy
Ms S. Kelly

heard this appeal at Clonmel on 21st September 2012
and 20th November 2012

Representation:

Appellant: In person

Respondent: Mr. Phil Funchion, Noreside Resource Centre,
22 Vicar Street, Co. Kilkenny

Determination:

This case is before the Tribunal by way of an employer appealing a Decision of a Rights Commissioner ref: r-095170-pw-10/GC.

The Tribunal cannot hear the appeal as it has no option but to decline jurisdiction. S. 7(2) of the Payment of Wages Act, 1991, provides:

“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 terms of section 7 (2) (a) above have not been complied with and therefore it has no alternative but to find that it does not have jurisdiction to hear the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Recommendation, ref: r-095170-pw-10/GC.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)