

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYER *-appellant*

CASE NO.
TE124/2011
TE125/2011
PW179/2011

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

EMPLOYEE 1 *-respondent 1*

EMPLOYEE 2 *-respondent 2*

AND

EMPLOYEE 1 *-appellant 1*

TE121/2011

EMPLOYEE 2 *-appellant 2*

TE122/2011

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

EMPLOYER *- respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr M. Murphy
Mr F. Keoghan

heard this appeal at Trim on 10th December 2012

Representation:

Employee 1: No appearance or representation on behalf of appellant 1

Employee 2: In Person

Respondent: Mr. Anthony Byrne B.L. instructed by
Ms Sheena McDermott, Beauparc Business Park, Navan, Co Meath

This case came before the Tribunal by way of an employer and employee appeal of the Rights Commissioner Recommendation **ref: r-093896-pw-10/JW** under the Payment of Wages Act 1991, **r-093894-te-10/JW** and **r-093842-te-10/JW** under the Terms of Employment

(Information) Act 1994.

Determination

The Tribunal are satisfied that employee 1 was properly on notice of this hearing. Neither he nor a representative on his behalf appeared for the hearing. Consequently, the Tribunal upsets the Rights Commissioner Recommendation **r-093896-pw-10/JW** under the Payment of Wages Act 1991 and **r-093894-te-10/JW** under the Terms of Employment (Information) Act 1994 meaning the employer appeal succeeds.

Employee 2 was employed as a driver with the company; he was required to hold a full driving licence. It has transpired that employee 2 provided a fake driving licence to the company and was subsequently charged and convicted for driving with a fake licence. Employee 2 admits that he did provide the company with a fake driving licence. The company submitted and the Tribunal agree that as employee 2 entered into the contract of employment by fraudulent means the contract itself is illegal. The Tribunal upsets the Rights Commissioner Recommendation **ref: r-093842-te-10/JW** under the Terms of Employment (Information) Act 1994 meaning the appeal succeeds.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)