

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE 1 - *appellant 1*

PW149/2011

EMPLOYEE 2 - *appellant 2*

PW150/2011

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

EMPLOYER - *respondent*

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Madden B.L.

Members: Mr M. Murphy
Mr F. Keoghan

heard this appeal at Trim on 23rd May 2012

Representation:

Appellant(s) : Mr. Richard Grogan, Richard Grogan & Associates Solicitors,
16 & 17 College Green, Dublin 2

Respondent(s) : no appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

This case came before the Tribunal as a result of an appeal by the employee (the appellant) against a decision of the Rights Commissioner under the Payment of Wages Act, 1991 ref. r-100842-pw-10/EH.

Determination:

The Tribunal is satisfied that the respondent was duly notified of the hearing. Neither the respondent nor a representative appeared on their behalf at the hearing.

The appellants seek to establish that during a period of lay off commencing on the 12 April 2010 and lasting until 24 August 2010 when the company went into liquidation that they were entitled to be paid their weekly wage by the employer.

The case of John Lawe –v- Irish Country Meats (Pig Meats) Ltd. [1998] ELR 266, has been relied upon by the appellants to advance their case.

The Tribunal finds that the layoff which was implemented in the respondent company was lawfully implemented. As a result of the downturn in the construction industry at that time the company was not in a position to pay a workforce for work it did not have.

The Tribunal upholds the decision of the Rights Commissioner under the Payment of Wages Act, 1991.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)