

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYER - *appellant*

PW168/2012

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

EMPLOYEE - *respondent*

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr K. Buckley

Members: Mr D. Hegarty
Mr D. McEvoy

heard this appeal at Cork on the 15 February 2013

Representation:

Appellant(s) : In person

Respondent(s) : In person

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an employer's appeal against the decision of the Rights Commissioner ref: R-113893-PW-11/JOC.

Hereafter the appellant is referred to as the employer and the respondent as the employee

Summary of Evidence

The employer gave evidence of taking over the running of the business in 2002. From 2009 she noticed customers were falling into arrears with payments. During 2010 a number of her customers were themselves in financial difficulty. She accepted that wages were often paid in arrears as she relied upon her customers paying her and then wages would be paid. She always ensured revenue payments were up to date in order to protect the entitlements of her employees.

With regard to the appeal the employer's evidence was that as the claim was made outside the statutory time limit of six months.

The employee's evidence was that he was entitled to his wages and was unaware of the statutory time limits for bringing such a claim to the Rights Commissioner Service.

Determination

The Tribunal considered the evidence in this case and find that exceptional circumstances did not exist to allow an extension of time to file a claim under the Payment of Wages Act 1991. The appeal succeeds and the decision of the Rights Commissioner is not upheld.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)