

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE,

CASE NO.
PW109/2012
TE57/2012

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

EMPLOYER

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. E. Harrington

Members: Ms. M. Sweeney
Ms. H. Kelleher

heard this appeal in Cork on 28 February 2013

Representation:

Appellant(s):
Respondent(s):

The decision of the Tribunal was as follows:-

This case came to the Tribunal as an employee appeal against Rights Commissioner Decision r-116272-pw-11JOC under the Payment of Wages Act, 1991, and as an employee appeal against Rights Commissioner Decision r-116271-pw-11JOC under the Terms of Employment (Information) Act, 1994.

The background was that the appellant had been employed by the respondent since November 2007 and that he had worked a forty-hour week over five days but that in February 2011 his hours of work were changed (allegedly without his consent) resulting in an ongoing loss of earnings (of €114.00 per month) from late May 2011. The respondent stated that full discussion had taken place and that the employee had been notified of the change.

Having heard sworn testimony from the appellant and from the respondent's principal, the Tribunal was of the view that the appellant had been paid for hours worked in accordance with the terms of his contract of employment. The Tribunal upholds Rights Commissioner Decision r-116272-pw-11JOC under the Payment of Wages Act, 1991, and finds that the appeal against it

fails.

The Tribunal also upholds Rights Commissioner Decision r-116271-pw-11JOC and finds that the appeal against it under the Terms of Employment (Information) Acts, 1994 and 2001, fails. It was not established that there had been any failure by the respondent to notify the appellant of any change in his terms and conditions.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)

