

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - *appellant*

CASE NO.
PW691/2012

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 R. Murphy
Mr F. Barry

heard this appeal at Dublin on 9th May 2013

Representation:

Appellant(s) : In person

Respondent(s) :

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal by the employee against the decision of a Rights Commissioner ref: r-121900-pw-12/SR under the Payment of Wages Act, 1991.

At the Tribunal hearing of this appeal the respondents representative stated that the appellant company had not given a copy of the notice of appeal of Rights Commissioner Decision r-121900-pw-12/SR, to the respondent within six weeks of the said decision being given as required by S.7 (2)(b) of the Payment of Wages Act, 1991.

The appellant accepted that he did not copy the notice of appeal to the respondent.

Determination:

Regarding appeals from decisions of rights commissioners, Section 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 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.”

Given that Section 7 (2) (b) is a mandatory legislative provision, the Employment Appeals Tribunal has no discretion to disregard it. The appeal r-121900-pw-12/SR under the Payment of Wages Act, 1991, against Rights Commissioner Decision fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)