

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employer

CASE NO.
PW16/2009
PW18-PW21/2009

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

Employer

and

Employee
Employee
Employee
Employee
Employee

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr R. Murphy
Mr G. Whyte

heard this appeal at Dublin on 1st July 2009

Representation:

Appellant(s): Mr Emmet Whelan, BCM Hanby Wallace, Solicitors, 88 Harcourt
Street, Dublin 2
Ms. Aisling Clarke, KPMG Stokes Place, St. Stephen's Green, Dublin 2

Respondent(s): Mr Jaroslaw Mrozinski, Maguire McClafferty, Solicitors, 8
Ontario Terrace, Portobello Bridge, Dublin 6

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal by the employer (the appellant) against the decision of the Rights Commissioner reference numbers 066724-pw-08/POB,

r-066725-pw-08/POB, r-066726-pw-08/POB, 066727-pw-08/POFB and r-066728-pw-08/POB.

Determination

The Tribunal was informed that the respondents resided in Poland and that the notices of hearing were sent to the office of their solicitor in Dublin. The Tribunal is not satisfied that the respondents were adequately notified and the appellant has not fulfilled the requirements as specified under Section 7(2)(b) of the Payment of Wages Act, 1991. This section states:

“An appeal under this section shall be initiated by a party by his giving, within 6 weeks of the date on which the decision to which it relates was communicated to him.

- (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”.

Accordingly the Tribunal upholds the decision of the Rights Commissioner under the Payment of Wages Act, 1991 and awards the respondents compensation as follows: first named respondent MM €3,006.30, second named respondent MS €2,984.30, third named respondent AW €3,115.68, fourth named respondent DB €3,115.68 and fifth named respondent MJ €3,115.68.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)

