

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employer

CASE NO.
PW34/2009

- appellant

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

Employee *- respondent/employee*

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Taaffe

Members: Mr. G. McAuliffe
Mr. N. Broughall

heard this appeal at Dublin on 30th June 2009

Representation:

Appellant(s): Mr. Breffni O'Neill, Construction Industry Federation, Construction House,
Canal Road, Dublin 6

Respondent(s): In person

(This case came before the Tribunal by way of the appellant appealing against the recommendation of a rights commissioner under the Payment of Wages Act 1991; r-066883-pw-08/GC dated 20 January 2009)

The decision of the Tribunal was as follows:-

Appellant's case:

The appellant's representative stated that this case originally came before the rights commissioners for hearing and in those proceedings, the above appellant (*hereinafter referred to as B Co.*) was named as the respondent. However, the decision, which issued from the rights commissioners, amended the respondent without their consent to another (*hereinafter referred to as JoS*) and made an award in favour of the employee against this newly named respondent. JoS was a subcontractor of B Co. This appeal to the Employment Appeals Tribunal was made by B Co. in an effort to clear up the matter.

Determination:

B Co. was not a named party on the decision of the rights commissioners. However, it was B Co. who brought these proceedings before the Employment Appeals Tribunal. As B Co. was not named as a party on the rights commissioner's decision, this appeal is not properly before the Employment Appeals Tribunal and as a consequence, the Tribunal had no jurisdiction to hear the matter. Accordingly, the decision of the rights commissioners stands.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)