

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employer

PW84/07

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

Employee

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B.L.

Members: Mr D. Moore
Mr. S. O'Donnell

heard this appeal at Dublin on 6th February 2008.

Representation:

Appellant : Company Secretary,

Respondent : In person

The decision of the Tribunal was as follows:-

This appeal came before the Tribunal by way of the employer (the appellant) appealing against the decision of the Rights Commissioner under the Payment of Wages Act, 1991 reference r-051148-pw-07/JT in the case of Jasminka Griffin (the respondent).

Determination:

The Tribunal determines that the employer had complied with the provisions of Section 5(1) (b) and (c) of the Payment of Wages Act, 1991

- (b) the deduction (or payment) is required or authorised to be made by virtue of a term of the employee's contract of employment included in the contract before, and in force at the time of, the deduction or payment or,*
- (c) in the case of the deduction, the employee has given his prior consent in writing to it.*

in that the employee had signed an agreement that the deductions be made from her wages of the sum deducted. Further the Tribunal finds that when making the application for assistance with the fees, she would have had an opportunity of reading the conditions under which applications were made. One of those conditions specified “where an employee resigns from the company within one year of last payment” the employer reserves the right to claim all monies advanced to the employee.

The Tribunal determines that the employer acted correctly in this case and reverses the decision of the Rights Commissioner and finds in favour of the employer.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)

