

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
Employer

CASE NO. PW89/2007

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

Employee
V
employer

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr E Murray

Members: Mr J Hennessy
Mr J McDonnell

heard this appeal at Clonmel on 29th July 2008

Representation:

Appellant: In person

Respondent: In person

This case came before the Tribunal by way of an appeal by the employer against the recommendation of a Rights Commissioner Ref: PW49398/07/MR. The employer was seeking to have the recommendation upset.

The decision of the Tribunal was as follows:

This matter comes before the Tribunal by way of appeal against the decision of a Rights Commissioner, wherein the sum of €430.76 was ordered to be paid by the employer to the employee by virtue of the provisions of the Payment of Wages Act, 1991.

Submissions were heard from both parties. The appellant admitted that he had deducted €430.76 from the respondent's wages because of damages that he had paid to a third party as a result of the negligence of the respondent. The respondent apparently crashed into a motor vehicle during the course of his employment and, in order to settle the matter and resolve any issues with the Gardaí that may arise for the respondent, the appellant paid the compensation required to satisfy the injured party.

The appellant felt aggrieved when the respondent refused to refund him this money and he deducted it from his wages. The Tribunal finds that the Rights Commissioner was correct in his

findings that the deduction was in breach of the Payment Of Wages Act, 1991, and consequently upholds the findings of the Rights Commissioner and orders the payment of the sum of €430.76 to the respondent herein.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)