

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employer

CASE NO.

PW174/2008

- *appellant*

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

Employee

- *respondent*

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal

(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr R. Murphy
Ms. E. Brezina

heard this appeal at Portlaoise on 7th May 2009

Representation:

Appellant(s) : In person

Respondent(s) : In person

This case is before the Tribunal by way of an employer appealing the Decision of a Rights Commissioner (ref: r-0066315-pw-08).

The decision of the Tribunal was as follows:-

Appellant's Case:

The Operations manager gave evidence. He explained that the company had ceased trading and he was the last employee to leave in March 2009.

The respondent had purchased a car from the appellant company in October 2006, paid the bulk of the payment and agreed with the sales person to pay the balance of € 1,500 at € 30 in weekly instalments. She commenced maternity leave and was to return from on May 19th 2008. On instruction from the Managing Director (MD) he contacted the respondent telling her that due to the downturn in business she was to be made redundant. She had three weeks leave due to her and she could take it straight away. They discussed the balance of her car loan and it was agreed she would pay 2 instalments of € 333.33 and 1 instalment of € 333.34 out of her holiday pay.

On cross-examination questions were put to the witness concerning 3 invoices but the witness replied this was a discussion between the respondent and the MD while he was on leave.

Respondent's Case:

The respondent refuted she had not agreed to the 3 deductions in her wages. She had been told by the appellant's witness that the MD said She had agreed with the MD that her weekly payments of € 30 would cease while she was on maternity leave and they would discuss the payments on her return.

Determination:

Based on the evidence of the parties the Tribunal is satisfied that the intent of the parties was that the Respondent was to be paid outstanding wages on the company ceasing trading. In the circumstances the Tribunal awards the Respondent the sum of €500

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

