

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE - *appellant*

CASE NO.
PW120/2009

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

EMPLOYER – *respondent*

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. N. O’Carroll-Kelly BL

Members: Mr. L. Tobin
Mr. P. Woods

heard this appeal at Dublin on 18th February 2010

Representation:

Appellant: Mr. Noel Ward, INTO, Vere Foster House,
35 Parnell Square, Dublin 1

Respondent: In person

This appeal came before the Tribunal by way of the employee appealing against the decision of the Rights Commissioner under the Payment of Wages Act, 1991, reference r-070543-pw-08/EH.

The decision of the Tribunal was as follows:-

The Tribunal is satisfied that it has jurisdiction to hear this appeal. Section 7 (2) (a) of the Payment of Wages Act, 1991 was complied with.

Appellant’s Case

The appellant gave evidence. She started working for the respondent as a temporary full time Montessori teacher in August 1981. She was made permanent in August 1998. She was paid according to the salary scale used by the Department of Education.

In August 1999 she obtained a degree and applied for a qualification allowance. A qualification allowance is routinely paid to all teachers employed in Department of Education sponsored schools. Her request to be paid a qualification allowance was turned down. The respondent informed her

that it did not pay qualification allowances. To her knowledge none of her colleagues were paid a qualification allowance.

Respondent's Case

The representative of the respondent told the Tribunal that for convenience they used the pay scales devised by the Department of Education. A qualification allowance is not and has not been paid by the respondent.

Determination

The Tribunal carefully considered the evidence adduced and submitted. The Tribunal finds that the appellant did not establish that she was entitled to a qualification allowance. The respondent imported the pay scales from the Department of Education but without the allowances. No evidence was adduced to contradict this position.

The appeal under the Payment of Wages Act, 1991 fails and the recommendation of the Rights Commissioner is upheld.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)