

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE – *appellant*

PW41/2010

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: Mr. G. Hanlon

Members: Ms. J. Winters
Mr. T. Brady

heard this appeal in Dublin on 20th May 2011

Representation:

Appellant: In Person

Respondent: In Person

This case came before the Tribunal by way of an employee (the appellant) appealing against the decision of a Rights Commissioner under the Payment of Wages Act 1991 Ref: r-081509-pw-09/GC

Appellant's Case

The appellant gave evidence. He started working with the respondent in 1995 as a Carpenter. Over thirteen years his rate of pay increased to €23.11 per hour. In June 2009, he was asked to take a pay

cut. He was then put on temporary lay-off and on his return to work he discovered his pay was cut by 19.5 %. His rate of pay was cut to €18.60 per hour and after the hearing of the Rights Commissioner the respondent gave him 10% back.

Respondent's Case

The company faced a serious downturn with the slowdown in the economy. They were finding it harder to compete for contracts and had to implement the pay cuts to obtain new business. The company advised all of its employees of their intention to reduce the rate of pay to €18.60 in accordance with the Construction Industry Registered Employment Agreement plus a 10% premium.

Determination

The Tribunal carefully considered the evidence adduced and submitted. The Tribunal finds 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)