

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYER

CASE NO.
PW194/2010

- *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 M. O'Connell B.L.

Members: Mr. G. Whyte
Mr. F. Cuneen

heard this appeal at Dublin on 25th November 2011 and 29th February 2012

Representation:

Appellant: Barry Clarke, Liquidator, 1 Bedford Place, Navan, Co Meath

Respondent: In person

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an employer (the appellant) appealing against the decision of a Rights Commissioner under the Payment of Wages Act 1991 Ref: r-087657-pw-09/JC.

The appellant's representative told the Tribunal that when he was appointed as liquidator to the appellant company he made recommendations to the directors to implement pay cuts for all staff so that the company may survive the financial situation it was experiencing. These cuts were implemented equally across the board without consultation with the staff.

The respondent told the Tribunal that the wage cut did not apply to all staff and the amounts of the pay cuts varied among staff. He received notice of his cut in wages one week prior to the cut being implemented. He did not agree to the cut in his wages and there was no consultation process in relation to same.

Determination

The Tribunal heard conflicting evidence from both parties in respect of the wage cuts and negotiations. However, it was agreed between the parties that the company was in grave financial straits. In the circumstances, the Tribunal finds in favour of the respondent and upholds the decision of the Rights Commissioner under the Payment of Wages Act 1991 ref: r-087657-pw-09/JC.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)