

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE

CASE NO.  
PW84/2010

- *First named appellant*

EMPLOYEE

PW85/2010

- *Second named appellant*

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 J Flanagan BL

Members: Mr M Carr  
Mr G Whyte

heard this appeal at Dublin on 6<sup>th</sup> July 2011

#### Representation

Appellant: Mr Blazej Nowak, Polish Consultancy Enterprise, 107 Amiens Street, Dublin 1

Respondent: Ms Muireann McEnery, Peninsula Business Services (Ireland) Limited, Unit 3  
Ground Floor, Block S, East Point Business Park, Dublin 3

This case came before the Tribunal by way of employees appealing against the Decisions of the Rights Commissioner ref: (r-080025-pw-09/GC, r-080019-pw-09/GC)

The decision of the Tribunal was as follows:

#### Determination

The appellants claimed that they had been paid at the rate of €9.27 per hour instead of the applicable JLC Employment Regulation Order rate of €9.31 per hour as set forth in SI 142/2008 Employment Regulation Order Catering Joint Labour Committee (for areas other than the areas known, until 1<sup>st</sup> January 1994, as the County Borough of Dublin and the Borough of DunLaoghaire) 2008. The appellants claimed the total underpayment under this head was €26 each. The first named appellant claimed that €251.92 had been unlawfully deducted for training. The second named appellant claimed that €186 had been unlawfully deducted for training. The

respondent referred to a clause in the training agreement whereby the employees agreed to remain in employment for a period of 6 months and permitting a deduction of 20 hours pay should the employee leave. The appellants and respondent accepted that the appellants had been dismissed. The relevant facts were not in dispute and so no evidence was taken in respect of the appeal under the Payment of Wages Act, 1991. The respondent accepted that the deduction from the appellants' wages of €26 was unlawful. The Tribunal finds that the appellants did not leave but were dismissed such that the deductions of €251.92 and €186 respectively were unlawful. Therefore the Tribunal affirms the decisions of the Rights Commissioners and awards the first named appellant the sum of €277.92 and the second named appellant the sum of €212.00 under the Payment of Wages Act, 1991.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)