

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYER – *appellant*

CASE NO.
PW340/2010

against the decision 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: Ms K. T. O'Mahony BL

Members: Mr J. Hennessy
Ms S. Kelly

heard this appeal at Clonmel on 20th September 2012

Representation:

Appellant: Mr Eamonn McCoy of IBEC,
Confederation House, 84/86 Lower Baggot Street, Dublin 2

Respondent: Mr Bill Kelly of Mandate Trade Union,
O'Lehane House, 9 Cavendish Row, Dublin 1

The decision of the Tribunal was as follows:-

This case came before the Tribunal as an appeal by an employer of the decision of the Rights Commissioner reference number r-090434-pw-10/GC. The appellant is referred to as the employer and the respondent is referred to as the employee.

Determination

The facts of this case were agreed by both parties. In June 1997 the respondent employee was assaulted by a customer and was on sick leave for an extended period. On 30th January 1998 the employee wrote to his employer asking to be reimbursed for his medical expenses.

In December 2009 the employer decided that the arrangement had run its course and stopped paying the employee's medical expenses. The payment was not recorded on wage slips and was not covered by the employee's contract of employment.

The respondent suffered an injury at work that would require him to take blood pressure tablets for the rest of his life. It was common for the appellant to reimburse costs in respect of an accident at

work.

The Tribunal finds that the payment of expenses claimed by the employee does not does not fall within the definition of wages in the Payment of Wages Act 1991. The appeal succeeds and the decision of the Rights Commissioner is upset.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)