

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE *-appellant*

CASE NO.  
PW3/2011

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 P. Clancy

Members: Mr. W. O'Carroll  
Ms H. Murphy

heard this appeal at Ennis on 21st September 2012

#### Representation:

---

Appellant: Mr. Eddie Mullins, SIPTU, Connolly Hall, Lapps Quay, Cork

Respondent: In Person

This case came before the Tribunal by way of an employee appeal of the Rights Commissioner Decision **ref: r-092836-pw-10** under the Payment of Wages Act, 1991.

#### Background

The appellant was a participant in a Community Employment Scheme working for the respondent; a limited company. The respondent company was set up in line with Community Employment Project guidelines as directed by FÁS. The company is directly funded by the Government through FÁS.

In January 2010 the appellant's wages were reduced from €228.70 per week to €216.00 per week. The reduction in wages was not discussed with the appellant, her consent was not sought and it is not mentioned in her most recent terms and conditions of employment, signed in February 2009. The appellant's wages were reduced as a result of a Directive issued by FÁS; the reduction in wages was not based in statute. The Directive was not communicated to the respondent staff.

The Rights Commissioner found that the reduction was not an authorised one as prescribed in the Act. The appellant maintains that the respondent did not proffer any accounts at the Rights Commissioner hearing to substantiate the finding that *'the financial circumstances outlined by the Respondent appear to have justified the reduction in wages and as allowed for*

*nder section 6.2 of the Act.'*

**Determination**

The Tribunal upholds the Rights Commissioner Decision **ref: r-092836-pw-10** under the Payment of Wages Act, 1991.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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