

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

PW7/2012

against the recommendation of the Rights Commissioner in the case of:
EMPLOYER

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. E. Kearney
Members: Mr. J. Hennessy
Mr. F. Dorgan

heard this appeal at Thurles on 29th January 2013

Representation:

Appellant:

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

Respondent:

Mr Paul Malone, J. Brendan Quigley & Co., Solicitors, Borrisokane, Co. Tipperary

This case came to the Tribunal by way of an appeal by the employee against the recommendation of the Rights Commissioner reference r-109577-pw-11/GC.

Appellant's case

The appellant contended that the stoppage of his wages while suspended without pay by the respondent was an illegal deduction from his pay and therefore sought compensation under the Payment of Wages Act, 1991.

Respondent's case

The respondent suspended the appellant without pay on the grounds that the appellant had committed gross misconduct and serious neglect in the course of his employment.

Determination

Having carefully considered the evidence adduced at the hearing the Tribunal is satisfied that the appellant was suspended without pay by the respondent as part of a disciplinary procedure. An employer is entitled to suspend an employee, with or without pay, as part of a disciplinary

procedure and therefore this cannot be construed as an illegal deduction from pay. Accordingly the Tribunal upholds the decision of the Rights Commissioner Ref: r-109577-pw-11/GC and this appeal fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)