

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYER

PW496/2011

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

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. P. McGrath B.L.

Members: Mr. N. Ormond

Mr. J. Flannery

heard this appeal at Tullamore on 16th July 2013

Representation:

Appellant:

Eamonn McCoy, IBEC, Confederation House, 84/86 Lower Baggot Street, Dublin 2

Respondent:

John Carty, Mandate Trade Union, Regional Office, Mary Street, Galway.

Determination

The Tribunal has carefully considered the evidence adduced in the course of this hearing. The parties came before the Tribunal on foot of an appeal by the respondent company from a determination of the Rights Commissioner Ref: r-109439-pw-11/RG dated 14th October 2011.

The claim was originally brought under the Payment of Wages Act, 1991. The claimant has worked for the respondent company for over 40 years. The claimant had worked as a Section Manager from 2004 to 2010. In 2010 the company implemented a restructuring programme wherein the role of Section Manager was being excised from the workforce. All Section Managers across the country were invited to interview for the newly created roles of Line Manager which would be a role involving greater responsibility.

The claimant had no interest in taking on the newly created position and did not seek recommendation for same, nor did he engage in the interview process.

The company was disinclined to make a finding that a redundancy situation had arisen and instead opted to give the claimant an on-going position in the section wherein he had always

worked. However this position, called Team Leader, involved significantly lesser pay and fewer hours. In March 2011 the claimant's wages dropped significantly and on foot of this deduction the claimant brings this claim.

Having listened to all the part and evidence the Tribunal is absolutely satisfied that the Rights Commissioners findings should be upheld and the appeal by the employer therefore fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)