

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee

CASE NO.
MN699/2007

against

Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)
Chairman: Mr. D. Mac Carthy S C
Members: Mr. J. O'Neill
Ms. P. Ni Sheaghda

heard this claim at Naas on 19th March 2008

Representation:

Claimants: Ms Melanie O'Brien C/O Sue O'Brien, 19 Coneymeadows,
Carlow Road, Athy, Co. Kildare

Respondent: XXXX
XXXX

Determination:

The Claimant gave one week's notice of her resignation but the Respondent dismissed her immediately as she was about to start work with the Respondent's competitor situated across the street. The Respondent argued that her contract restrained her from working for another recruitment agency within a twenty-mile radius from the town where she was employed.

This case could have raised a very important issue under Section 8 of the Act of 1973 if the Respondent had produced a copy of the contract signed by the Claimant. In the absence of such proof we must hold that the Respondent's defence fails therefore we award the Claimant €365.00, being the equivalent of one week's gross pay under the Minimum Notice and Terms Of Employment Acts, 1973 to 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)