

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
2 Employers

CASE NO.
TE60/2007

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

Employee

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O' Carroll-Kelly B L

Members: Mr F. Cunneen
Mr S. Mackell

heard this appeal at Naas on 8th May 2008

Representation:

Appellant : Mr Ciaran Breen, 35 Crodaun Forest Park, Celbridge, Co.Kildare

Respondent : In person

The decision of the Tribunal was as follows:

This appeal came before the Tribunal by way of an appeal against the recommendation of a Rights' Commissioner reference number r-050897-te-07/JC

The appellants accepted that a contract of employment was not furnished to the respondent, a former teacher at the school. During the appeal hearing it was submitted on their behalf that they had no intention of complying with that aspect of the recommendation stating it was now superfluous to their relationship with the respondent. They argued that it was not the widespread practice for schools to issue terms and conditions of employment to teachers and added that it was not the standard practice of their voluntary institution with limited resources to give their academic staff such a document. They also sought a reduction in the amount of compensation awarded to the respondent. They agreed that the respondent's weekly remuneration amounted to approximately €1000.00.

The respondent expressed displeasure at not having his contract of employment in dealing with a separate case against the respondents. His former employer denied him his right to that document. He felt that his monetary compensation for this omission was small.

Determination

Employers are statutorily obliged to give their employees a written contract of employment. The appellants in this case have accepted this but have yet to act on it. The respondent's right to natural justice may have been compromised by the appellants' refusal to furnish him with his terms and conditions of employment.

Having heard the submissions the Tribunal varies the recommendation of the Rights' Commissioner and awards the respondent €3000.00 under the Terms of Employment (Information) Act, 1994 and 2001. In addition the Tribunal determines that the appellants furnish the respondent with his written terms and conditions of employment within four weeks of the issuing of this Order.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

