

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
PW25/2008, TE19/2008

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

Employer

under

PAYMENT OF WAGES ACT, 1991
TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S C

Members: Mr R. Murphy
Mr P. Trehy

heard this appeal at Wexford on 12th November 2008

Representation:

Appellant : P C Moore & Co, Solicitors, 17 South Great George's Street, Dublin 2

Respondent : XXXX

This case came before the Tribunal by way of appeals against a Rights Commissioner's recommendation and decision references r-052520-te-07/MMG and r-052522-pw-07/MMG.

At the outset of this hearing the appeal under the Payment of Wages Act, 1991 was withdrawn.

The decision of the Tribunal was as follows:

Appellant's Case

The appellant commented that she was never given sight of nor furnished with her terms and conditions of employment either within two months of her commencement of employment with the respondent or at any time during the course of that employment.

Respondent's Case

The respondent stated that she drafted a document which amounted to the appellant's contract of employment and that this document was given to the appellant within two months following her commencement of employment. She might have copied some guidelines from another source to that contract. No copies of that original document were kept and the witness advised the appellant she could keep that document and not to return it.

Determination

Having considered the evidence and submissions the Tribunal finds that the appellant was not furnished with any document as stated by the respondent. The Tribunal is further satisfied that the respondent did not comply with section 3 of the Terms of Employment (Information) Act, 1994 and 2004.

Accordingly, the Tribunal reverses the recommendation of the Rights' Commissioner and awards the appellant €1326.00 under the Terms of Employment (Information) Act, 1994 and 2004.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

