

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF: CASE NO.
Employer TE83/2008

appealing 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: Mr. D. Hayes BL

Members: Mr. D. Winston
Mr. G. Whyte

heard this appeal at Dublin on 20th October 2008

Representation:

Appellant: Mr. Terence Cosgrove of Terence Cosgrove & Co. Solicitors
1 McMorrough Road, Terenure, Dublin 6w

Respondent: Mr. Richard Grogan of P.C. Moore & Co.,
17 South Great Georges Street, Dublin 1

The decision of the Tribunal was as follows: -

This case came before the Tribunal by way of an appeal of the Rights Commissioner's recommendation; dated 29th February 2008, reference r-052304-te-07/MH.

The Appellant admitted that he had been in breach of Section 3 of the Terms of Employment (Information) Act, 1994. He was appealing the decision of the Right's Commissioner on the grounds that the penalty awarded was unduly harsh.

The respondent argued that the appellant was in breach of the Act and that the penalty was appropriate in the circumstances.

Determination

The Tribunal carefully considered the evidence given and the submissions made to it. The Tribunal decided that the appropriate award to make is €700.00. The recommendation of the Right's Commissioner is varied.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)