

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

Employer

CASE NO.  
TE116/2008

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

2 Employees

under

### TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr B. Garvey B L

Members: Mr B. Kealy  
Ms M. Mulcahy

heard this appeal at Dublin on 18th December 2008

### Representation:

Appellant : XXXX

Respondent : Mr Richard Grogan, P.C. Moore & Co., Solicitors,  
17 South Great Georges Street, Dublin 2

This case came before the Tribunal by way of an appeal against the recommendation of a Right's Commissioner, reference number R-054348-Te-07/RG

The decision of the Tribunal is as follows:

The appellant accepted that it did not issue the respondent with his terms and conditions of employment as required under the legislation. The company's appeal was based solely on the quantum awarded by the Right's Commissioner.

The respondent commenced employment with the appellant in March 2004 and such employment ceased in May 2007. There was no break in that service. During the course of that employment he had applied for those terms and conditions on at least one occasion.

### Determination

The Terms of Employment (Information) Act, 1994 and 2001 clearly places a statutory obligation on employers to furnish written terms and conditions to its employees within two months of their commencement of employment. The appellant was aware of this but neglected to act on it.

The Tribunal sees no reason to reduce the compensation originally awarded and therefore upholds the recommendation of the Right's Commissioner under the Terms of Employment (Act) 1994 and 2001. Accordingly, the amount of compensation to be paid to the respondent remains at €1920.00 for the appellant's failure to discharge its duties under the above Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

