

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

TE52/2008

- **Appellant (Employee)**

against the recommendation of the Rights Commissioner R-052299-TE-07/JW in
the case of:

Employer

- **Respondent (Employer)**

under

TERMS OF EMPLOYMENT (INFORMATION) ACTS, 1994 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B.L.

Members: Mr. R. Murphy
Mr. P. McAleer

heard these appeals at Cavan on 27 January 2009

Representation:

Appellant:

In person as the appellant's legal representative did not attend

Respondent:

Mr. Larry Burke, Burke Hunt & Co. Solicitors,
Elm House, Atbara, Cavan

The determination of the Tribunal was as follows: -

This case came before the Tribunal as a result of an appeal by the employee (the appellant) against a recommendation of the Rights Commissioner R-052299-TE-07/JW under the Terms Of Employment (Information) Acts, 1994 To 2001 in the case of an employer (the respondent).

Determination

It was accepted on behalf of the respondent that, whilst the appellant did receive a written statement of his terms of employment, the statement did not include any reference to the fact that the appellant fell into a class of worker to whom the Registered Employment Agreement (Construction Industry Wages and Conditions of Employment) Variation Order, 2006 applied from 17 November 2006 and as required under section 3(1)(m) of the Terms of Employment (Information) Acts, 1994 to 2001. Accordingly the Tribunal finds as follows as provided under section 7(2) of the Acts.

- A) The complaint was well founded
- D) The Tribunal awards the appellant the sum of €630-00, being one week's pay, under those Acts.

Thereby varying the recommendation of the Rights Commissioner

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)