

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employer

TE175/2008

- *appellant*

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

Employer

- *respondent*

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Brennan

Members: Mr. D. Winston
Mr C. Ryan

heard this appeal at Dublin on 22nd May 2009

Representation:

Appellant: Ms. Muireann McEnery, Pennisula Business Services (Ireland) Limited, Unit 3,
Ground Floor, Block S, East Point Business Park, Dublin 3

Respondent: In person

The decision of the Tribunal was as follows:

The appellant's representative conceded that the employee was not given a contract of employment, but said that the Rights Commissioner erred in his calculation of the award by basing it partly on her P.60 which included a period when she worked for a previous employer. Her award should have been in the region of €1700.00, including commission.

The respondent said that she never received a contract of employment, nor did she receive a breakdown of the Rights Commissioner calculations of the award made. She said that her commission was approximately €70-75 per week.

Determination:

Based on the evidence adduced, the Tribunal varies the Rights Commissioner decision, and awards the respondent €1996.00 under Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

