

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employer

– *appellant*

TE153/2008

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

Employee

- *respondent*

under

TERMS OF EMPLOYMENT (INFORMATION) ACTS, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. O. Brennan BL

Members: Mr. T. O'Sullivan
Mr. C. Ryan

heard this appeal at Dublin on 23 March 2009

Representation:

Appellant: Mr. Andrew Cody of Reidy Stafford Solicitors, 1-3 Moorefield Terrace,
Newbridge, Co. Kildare.

Respondent: Mr. Richard Grogan of Richard Grogan & Associates, 16 -17 College Green,
Dublin 2.
XXXX

This case came before the Tribunal by way of an appeal against the recommendation of a Right's Commissioner, reference number r-049427-te-07/JC.

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 within the time specified in 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 2003. There was a delay of 21 months in furnishing him with a contract of employment.

Determination

The Terms of Employment (Information) Acts, 1994 and 2001 clearly place 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 (Information) Acts 1994 and 2001. Accordingly, the amount of compensation to be paid to the respondent remains at €500.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)