

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employer -Appellant

TE178/2008

CASE NO.

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

Employee -Respondent

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. L. Ó Catháin

Members: Mr. J. Hennessy
Mr. D. McEvoy

heard this appeal at Waterford on 14th May 2009

Representation:

Appellant:

XXXX

Respondent:

Mr. John Breen, HD Keane & Co, Solicitors, 22 O'Connell Street, Waterford

The decision of the Tribunal was as follows:

This appeal came before the Tribunal by way of a company (the appellant) appealing against a Rights Commissioner's recommendation under reference r-060739-te-08/MMG.

The employee (the respondent) gave evidence that she commenced employment with the company (the appellant) in May 2006. In October 2006 her duties changed when she started to work on the deli counter. When she commenced employment the employee was informed verbally of her rate of pay and that her employer would take care of her PAYE and PRSI. The employee did not receive written terms and conditions throughout the course of her employment. The lack of a written contract of employment caused her difficulty.

Mr. F of the company stated that the employee had not received a written statement of her terms and conditions but had been informed of them verbally. Ms. E of the company gave evidence that the employee had approached her about a job in 2006. They agreed an hourly rate of €11.50 per hour. Ms. E and the employee had a good working relationship.

Determination:

The Tribunal is satisfied from the evidence adduced at the hearing that the employee (the respondent) did not receive a written statement of her terms and conditions of employment as stated in S.3 of the Terms of Employment (Information) Acts, 1994 and 2001, and awards the employee €1,250.00. Accordingly, the Tribunal upholds the Rights Commissioner Recommendation reference r-060739-te-08/MMG.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)