

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER - *appellant*

CASE NO.
TE14/2009

against the decision 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: Ms P. Mc Grath BL

Members: Mr. M. Flood
 Mr B. Byrne

heard this appeal at Dublin on 10th July 2009

Representation:

Appellant: Ms Deirdre Gavin, IBEC, 84/86 Lower Baggot Street, Dublin 2

Respondent: Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

This case came before the Tribunal by way of an employer appealing against the Decision of the Rights Commissioner ref: (r-051625-te-07/POB)

The decision of the Tribunal was as follows:-

Determination

There is an obligation on the employer to provide every employee with a statement in writing of the terms of the employee's employment. The onus rests with the employer and it is not a defence to claim that a statement was not requested.

The facts established at the Rights Commissioner's hearing have been largely re-iterated before the Tribunal.

The Tribunal finds that there has been a breach of the legislation but reduces the award to €580.00.

Accordingly, the Tribunal varies the Rights Commissioners Decision ref:
r-051625-te-07/POB, TE14/09 under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)