

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

- **employer**

TE152/2009

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

- **employee**

and

- **employee**

TE153/2009

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

- **employer**

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr M. Noone
Mr B. Byrne

heard this appeal at Dublin on 28th October 2009

Representation:

Employer :

Ms Mairead McKenna, B.L., instructed by McCormack, Solicitors,
4 McElwain Terrace, Newbridge, Co Kildare

Employee :

Mr. Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot
Street, Dublin 1

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal by both the employer and the employee against the recommendation of a Rights Commissioner Ref: r-075723-te-09/JW dated 25th June 2009

The Facts of case:

The MD opened to the Tribunal a document dated 9th October 2006 which was headed “Terms of Employment”. Counsel for the employer brought the Tribunal through this document and submitted that it did comply with the Act. The employee stated that he did not receive this document. The MD’s brother was present when this document was given to the employee on the date he started back with the employer. The employee was asked to sign the document and it was the intention of the employer to sign after the employee had signed it. The MD stated that the employee was also given a contract for the first term of employment but he did not sign as requested. A copy of the Registered Employment Agreement was not given to the employee

Determination:

The Tribunal finds that the employer was in breach of Section 3 of the Terms of Employment (Information) Act, 1994 and therefore affirms the recommendation of the Rights Commissioner that the employee be paid €450 in compensation under the said Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

