

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYER

CASE NO.
TE196/2009

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

EMPLOYEE
under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr E. Murray

Members: Ms M. Sweeney
Mr D. Mcevoy

heard this appeal at Cork on 3rd February 2010

Representation:

Appellant: Mr David Gaffney, Coakley Moloney, Solicitors, 49 South Mall, Cork

Respondent: Mr. Paul Scannell B.L., instructed by Ms. Sheila Creedon, Hickey Dorney, Solicitors, The Square, Passage West, Co. Cork

This hearing came before the Tribunal by way of an appeal against the recommendation of a Rights Commissioner, reference r-074304-te-09/JT

For clarification purposes the appellant shall be referred to as the employer and the respondent as the employee.

The decision of the Tribunal was as follows:-

Evidence was given by the employee of how he had commenced work at the Respondent's licensed premises at Rochestown, Cork on the 7th of June 2004. He was initially employed as one of three assistant managers in the premises. His work comprised of general bar work and supervision. There were some 20-22 employees including seasonal employees working in the premises and he reported to the general manager. He was not given a contract when he commenced his employment but was handed a contract sometime in September 2005.

As far as he is concerned he never signed the contract. (A signed copy of the contract was produced during the course of the hearing and the Tribunal is satisfied that the signature on this contract is that of the claimant).

Determination

The Tribunal make a determination in respect of the employer’s appeal against the award made by a Rights Commissioner under the Terms of Employment (Information) Act, 1994 and 2001. The Tribunal finds that the employee did receive a contract of employment albeit later than is provided for in the Act, and that the award made should be reduced to €200.00, thereby upsetting the decision of the Rights Commissioner

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

