

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

EMPLOYEE

TE73/2009

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

EMPLOYER

CASE NO.

PW85/2009

under

PAYMENT OF WAGES ACT, 1991 TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr. D. Winston
Ms M. Mulcahy

heard this appeal at Dublin on 16th February 2010

Representation:

Appellant: Ms Aoife Marrinan, Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

Respondent: In person

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an employee appealing against the Recommendation (ref r-066430-te-08/SR) and Decision (ref r-066432-pw-08/SR) of the Rights Commissioner

Determination

The appellant alleged that he had not received proper terms and conditions of Employment. The respondent handed in the "Site Engagement & Employment Register" provided to the claimant, which was signed by both parties. During the course of his employment the appellant did not seek further or additional information in respect of his Terms and Conditions of Employment.

The Tribunal noted that the "Site Engagement & Employment Register" given to the claimant while it contained some information relating to the employment contract it fell short of what is required under section 3(a) of the Terms of Employment (information) Act 1994. Accordingly the appeal

succeeds Under the Terms of Employment (Information) Act and the Tribunal sets aside the recommendation of the Rights Commissioner and awards the appellant €350.00.

The Tribunal found it had no jurisdiction to hear the appeal under the Payment of Wages Act 1991. This appeal was in respect of “country money” which is governed by the Construction Industry REA. Under the Industrial Relations Act, 1946 the Labour Court has jurisdiction to register such agreements, and to interpret them if issues arise.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)