

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYER

TE126/2009

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: Ms. K. T. O'Mahony B.L.
Members: Mr D. Hegarty
Mr J. Flavin

heard this appeal at Cork on 9th June 2010

Representation:

Appellant:

Mr. Paul Dunne, IBEC, Confederation House, 84/86 Lower Baggot Street, Dublin 2

Respondent:

Mr. Edmond Smith, Independent Workers Union, 55 North Main Street, Cork

The decision of the Tribunal was as follows:-

This case came to the Tribunal by way of an appeal by the employer against the recommendation of the Rights Commissioner r-073540-te-08JOC.

The Rights Commissioner had concluded that the appellant had not given the respondent a contract of employment within two months from the time he had commenced employment with the company. However the appellant submitted to the Tribunal a copy of a document signed by the respondent on 16th January 2006. The appellant outlined in detail how this document fulfilled the requirements of section 3 of the Terms Of Employment (Information) Act, 1994 and 2001.

The respondent agreed that he had received and signed this document but was unaware of what he was signing at that time.

Determination

Having carefully considered the evidence adduced the Tribunal are satisfied that the employer did provide a document that meets the requirements of section 3 of the Terms Of Employment (Information) Act, 1994 and 2001 within the required timeframe and furthermore it is common case that the ERO for the cleaning industry was posted at the employee's place of work.

Therefore this appeal succeeds and the Tribunal overturns the recommendation of the Rights Commissioner r-073540-te-08JOC.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

