

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

TE84/2009

EMPLOYER - *appellant*

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

EMPLOYEE – *respondent*

against

EMPLOYER

under

### TERMS OF EMPLOYMENT (INFORMATION) ACTS, 1994 AND 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr D Winston  
Mr J Maher

heard this appeal at Dublin on 9<sup>th</sup> July 2009 and 16<sup>th</sup> June 2010

Representation:

Appellant(s): Ms Yvonne Finnegan, Catherine Allison & Co., Solicitors,  
6 Roden Place, Dundalk, Co. Louth

Respondent(s): In person

The decision of the Tribunal was as follows: -

This case came before the Tribunal by way of an appeal by the employer (hereinafter referred to as the appellant) appealing against the decision of a Rights Commissioner under the Terms of Employment (Information) Act, 1994 and 2001 r-070339-te-08/RG

#### **Determination**

The respondent accepted that bearing in mind her lesser availability during the school vacation periods her usual working hours were approximately 19 hours per week. She also accepted that she worked different shifts and on occasions worked flexibly. The Tribunal is satisfied that the statement of working hours in the respondent's contract of employment is a fair reflection of her

usual working hours over the year. The Tribunal is also satisfied that the statement of her terms and conditions of employment was provided to her within two months from the date of the transfer of undertaking.

Accordingly the appeal under the Terms of Employment (Information) Act, 1994 and 2001 succeeds and the Tribunal upsets the recommendation of the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)