

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYER

CASE NO.  
TE271/2009

*- appellant*

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

*- respondent*

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms F. Crawford B.L.

Members: Mr F. Cunneen  
Ms M. Finnerty

heard this appeal at Dublin on 25th February 2011

#### **Representation:**

Appellant(s) : Caoimhe Scholard, IBEC, 84/86 Lower Baggot Street, Dublin 2

Respondent(s) : In Person

**This case is before the Tribunal by way of an employer (the appellant) appealing the recommendation of a Rights Commissioner, reference: r-076988-te-09/GC.**

The decision of the Tribunal was as follows:-

#### **Background:**

The respondent (employee) was hired on January 12<sup>th</sup> 2009 with the appellant company firstly as a porter and then as a trainee bar manager. The witness for the appellant company stated that he had given a contract to the respondent in February / March 2009. The respondent told him he wanted to take it away and read through it. The respondent told the tribunal that he had asked on numerous occasions for a contract and was never given one. The respondent left the appellant company's employment on March 15<sup>th</sup> 2009.

The Rights Commissioner on hearing the evidence in this case found that the appellant company was in breach of Section 3 of the Act and awarded the sum of € 500.

**Determination:**

Having heard the sworn evidence adduced by both parties the Tribunal finds in favour of the respondent (employee) in this case and affirms the recommendation of the Rights Commissioner and awards the sum of € 500 under the Terms of Employment Acts, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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