

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER

-Appellant

CASE NO.

TE32/2010

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: Mr N. Russell

Members: Mr J. Browne
Mr F. Dorgan

heard this appeal at Waterford on 2nd June 2011

Representation:

Appellant:

Respondent: In Person

The decision of the Tribunal was as follows:

This case came before the Tribunal by way of an employer (the appellant) appealing against a Rights Commissioner recommendation reference: r-074763-te-09/DI.

It was the company's case that the employee was provided with a contract during the first four weeks of his employment. A director of the company gave evidence that he could not recall the exact date that the employee was provided with a contract but that each employee is required to sign a contract and return it to the company. However, the employee in this case failed to return the signed copy to the company and for this reason a copy of the contract could not be provided. The company representative stated that it was an amended contract that was given to the employee in August 2008, because of a change in his rate of pay.

It was the employee's case that he only received a contract of employment two weeks before his employment terminated on 28th November 2008 and signed it on the same date.

Determination:

The Tribunal carefully considered the conflicting evidence in this case. However, on the balance of probabilities the Tribunal finds that the employee was not provided with a contract within the stipulated timeframe as set out under Section 3 of the Act. The Tribunal therefore upholds the recommendation reference: r-074763-te-09/DI under the Terms of Employment (Information) Act, 1994.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)