

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE *(appellant)*

TE95/2010

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

EMPLOYER *(respondent)*

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Revington S.C.

Members: Mr E. Handley
Mr J. Jordan

heard this appeal at Dublin on 21st July 2011

Representation:

Appellant(s) :

Richard Grogan & Associates, Solicitors, 16 & 17 College
Green, Dublin 2

Respondent(s) :

Ms. Mairead Crosby, Ibec, Confederation House, 84/86 Lower
Baggot Street, Dublin 2

This case came before the Tribunal by way of an employee appeal of the Rights Commissioner
Recommendation ref: r-083579-te-09/TB.

Claimant's case

The claimant's representative stated that the document of employment was merely an application form and did not set out the claimant's rate of pay, job description and holiday entitlements. The claimant was not given a copy of the document. The staff handbook does not specify holiday entitlements and does not comply with Section 3 of the Terms of Employment Act. The claimant earned a total of €113 per week.

Respondent's case

The respondent disputed a breach of the Terms of Employment Act, as the claimant's starter card, along with the company handbook complied with the Act. It is mentioned in the starter form that cleaning staff are paid as per the JLC rate. The actual rate of pay is verbally given to each employee. The respondent confirmed to the Tribunal that the rate of pay is not given in writing.

Determination

The Tribunal finds that the employer is in breach of the Terms of Employment Information Acts, 1994 and 2001, in that it does not state the rate of pay pursuant to Section 3(g) of the Act. Under the circumstances the Tribunal awards two weeks salary being a total of €226.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)