

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE
- *appellant*

CASE NO.
TE232/2010

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 D. Hayes BL

Members: Mr D. Peakin
Mr N. Dowling

heard this appeal at Dublin on 10th March 2011

Representation:

Appellant(s) : Mr Richard Grogan, Richard Grogan & Associates, Solicitors,
16 & 17 College Green, Dublin 2

Respondent(s) : Athru Solutions, Unit 10k, Drinan Enterprise Centre, Swords Enterprise Park,
Feltrim Road, Swords, Co Dublin

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal by the employee against the recommendation of a Rights Commissioner r-087028-te-09/JT.

Determination

Having heard evidence from both parties in this case the Tribunal is satisfied that the appellant did not receive a new contract of employment when his previous contract had expired or when his rate of pay was varied. The Tribunal is satisfied that the appellant was aware that he continued to work under his previous terms and conditions. Further, he was aware of his varied rate of pay as it was contained in his payslip. Nonetheless, there was, as his solicitor described it, a technical breach of the Act. Accordingly, pursuant to the provisions of s.7(2)(a) of the Terms of Employment (Information) Act 1994 the Tribunal finds that the appellant's complaint was well founded.

Accordingly, the Tribunal upholds the appeal by the appellant of the Rights Commissioner

recommendation under the Terms of Employment (Information) Acts 1994 and 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)