

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF: CASE NO.

EMPLOYEE TE160/2011

EMPLOYEE *appellants* TE159/2011

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

EMPLOYEE

EMPLOYEE *appellants*

and

EMPLOYER *respondent*

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr G. Hanlon

Members: Mr. T. O'Sullivan
Mr A. Butler

heard this appeal at Dublin on 18th November 2011

Representation:

Appellant(s): Mr. Blazej Nowak, Polish Consultancy Enterprise, 107 Amiens
Street, Dublin 1

Respondent(s) Mr. Susan Jones BL instructed by James V Tighe & Co Solicitors,
Main Street, Celbridge, Co. Kildare

The decision of the Tribunal was as follows:-

Appellant's Case

The first named appellant told the Tribunal that he did not receive a commencement date of employment, the registered address of his employer and the date on which the contract was due

to expire. When he commenced employment he signed a contract but the contract he was given was different.

The second named appellant told the Tribunal that he did not receive a new contract when he recommenced employment with the respondent in September 2009. He discussed his hourly rate with the respondent and he could not recall anything else being discussed. He had previously worked with the respondent in 2008 and knew all the details.

Respondent's Case

The respondent told the Tribunal that it gave a statement of terms of employment to the first named employee and it substantially complied with Section 3 of the Act. The first named appellant signed and asked for his terms and conditions of employment and accepted that he received them. The respondent admitted that there were deficiencies in the Contract of Employment that he was given but these have now been rectified for other employees. The appellant disputed that the signature on the contract was his.

Regarding the second named appellant the respondent stated that every effort was made to ensure that the appellant was aware of what was going on. The statement of employment that was given to him was substantially in compliance with the Act.

Determination

The Tribunal is satisfied that there were deficiencies in the Contracts of Employment that were given to the first and second named appellants. The Tribunal sets aside the recommendations of the Rights Commissioner and awards the first named appellant compensation in the amount of €1232.80 which is equivalent to four weeks gross pay (€308.20 per week) and the second named appellant compensation in the amount of €1526.24 which is equivalent to four weeks gross pay (€381.56 per week) under the Terms of Employment Information Act, 1994 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)

