

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

TE283/2010

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

EMPLOYER

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. S. Behan B.L.

Members: Ms. M. Sweeney
Mr. D. Mcevoy

heard this appeal in Cork on 2nd March 2012

Representation:

Appellant: In Person

Respondent(s): Human Resource Manager for the respondent

This case came before the Tribunal where the appellant was appealing the recommendation of the Rights Commissioner under the Terms of Employment (Information) Acts, 1994 and 2001, TE93283/10/MR

Respondent's Case

In 2007 the respondent issued a contract of employment to each member of its cleaning staff. This caused a dispute with the employee's trade union. Following the Rights Commissioner recommendation the respondent waited until the end of the six week time limit for the appeal and paid the €500 awarded to the appellant into her bank account. In March 2011, the respondent received notice of the appeal. If they had known the appellant

was appealing the recommendation, they would not have paid the award. The payment was not refunded by the appellant.

Appellant's Case

The appellant waited eight years for a contract of employment. A contract of employment is a fundamental right and the award by the Rights Commissioner of €500 is a tiny amount. She received the €500 with her wage, and telephoned the respondent's finance unit and told them it was not appropriate for them to pay the award through her wages. She did not refund the €500 because she did not know it was an option.

Determination

The Tribunal is satisfied with the compensation awarded by the Rights Commissioner in recommendation TE93283/10/MR. Accordingly, the Tribunal upholds the decision of the Rights Commissioner and awards the appellant €5 00.00 under the Terms of Employment (Information) Acts 1994 and 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)