

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE
- *Appellant*

CASE NO.
TE263/2010

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. Mac Carthy S C

Members: Mr C. McHugh
Mr C. Ryan

heard this appeal at Naas on 26th June 2012

Representation:

Appellant: Mr. Brendan Archbold, 12 Alden Drive, Sutton, Dublin 13

Respondent: Mr. Joseph Bolger, ESA Consultants, The Novum Building, Clonshaugh Industrial Estate, Dublin 17

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an employee appealing the decision of the Rights Commissioner ref: r-091827-te-10/JC.

The appellant told the Tribunal that he worked directly for the respondent company from September 2009 as a general operative. He never received any documents from the respondent in respect of his employment but he did receive P60's, P45 and payslips.

During cross examination the appellant denied seeing an employee start form which was a document containing details of his employment and his bank details.

Determination

The appellant alleged he never received an employment contract, although the respondent said all other employees received such contracts.

In cross examination the appellant also said he had never seen a certain document showing his bank details and containing his signature. In the absence of such bank documents his wages could not have been paid into his bank account and he agreed he received his wages regularly.

The Tribunal finds that the appellant's memory on these events is unreliable and the appeal fails. The Tribunal agrees with the Rights Commissioner's findings and accordingly upholds the decision of the Rights Commissioner ref: r-091827-te-10/JC under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)