

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER
(*appellant*)

CASE NO.

PW228/2009
TE246/2009

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

EMPLOYEE
(*respondent*)

under

PAYMENT OF WAGES ACT, 1991
TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr J. Goulding
Mr F. Barry

heard this appeal at Dublin on 6th March 2012

Representation:

Appellant(s) : In Person

Respondent(s) : No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:

The Parties came before the Tribunal on an employer appeal from a decision of the Rights Commissioners dated the 24th August 2009 (r-052594-pw-07/JT and r-052592-te-07/JT).

The appellant stated that one month's notice had been paid to the respondent, who worked for a period of eight months. No wages were outstanding and no payslips were available. The respondent was not given a written contract or any written confirmation of his terms of employment.

Determination

The Tribunal is satisfied that Terms of Employment were not issued to the respondent as per Section 3 of the Terms of Employment (Information) Acts, 1994 to 2001 and varies the Rights

Commissioner award to €500. As the respondent did not attend to present any argument to the contrary, the Tribunal overturns the decision of the Rights Commissioner under the Payment of Wages Act, 1991 and the appeal succeeds.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)