

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE—*appellant*

CASE NO.
TE222/2010

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. P. Meghen

Members: Mr G. Andrews
Ms S. Kelly

heard this appeal at Limerick on 18th June 2012

Representation:

Appellant: Micheál Glynn & Co, Solicitors, 98 O'Connell Street, Limerick

Respondent: No appearance or representation on behalf of

This case came before the Tribunal by way of an employee appeal of the Rights Commissioner Recommendation ref: r-089609-te-10/pob.

Determination

The appellant did not receive her entitlements under the Terms of Employment (Information) Act, 1994 and 2001 during her employment which commenced on the 7th of September 2009 and ended on the 18th of October 2009. The Rights Commissioner recommended that the claim fail, as 2 months had not elapsed by the time the appellant's employment ceased.

The Rights Commissioner relied on Sec 3 (1) of the Act which states that;

3.—(1) An employer shall, not later than 2 months after the commencement of an employee's employment with the employer, give or cause to be given to the employee a statement in writing containing the following particulars of the terms of the employee's employment, that is to say—

Section 3 (2) of the Terms of Employment (Information) Acts 1994 and 2001 states that;

(2) A statement shall be given to an employee under *subsection (1)* notwithstanding that the employee's employment ends before the end of the period within which the statement is required to be given.

The Tribunal upset the Rights Commissioner Recommendation **ref: r-089609-te-10/pob** and award the appellant €139.00 in compensation.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)