

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYER (Appellant)

TE45/2011

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

EMPLOYEE (Respondent)

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Taaffe
Members: Mr. N. Ormond
Mr. N. Dowling

heard this appeal at Dublin on 4th July 2012

Representation:

Appellant: The appellant in person

Respondent: The respondent in person

This case came before the Tribunal by way of an appeal by the Employer against the recommendation of the Rights Commissioner Ref: r-092664-te-10/DI

Respondent's case

The respondent applied for a job as delivery driver, having seen the job advertised in the appellant's pizza restaurant window. The respondent was successful in his application and worked for the respondent from 25th June 2009 to 3rd September 2009. During this time the respondent worked in the restaurant carrying out general tasks as well as being a delivery driver. He did not receive pay slips, a P45 or a P60.

The respondent never received written terms and conditions of employment and was seeking compensation in respect of this.

Appellant's case

The appellant referred to a copy of a contract, which he said was usually given to delivery drivers and he showed a copy of this to the Tribunal. However the appellant could not say whether such a contract was given to the respondent. The appellant said "they were always there to be signed but he may not have signed one".

Determination

Having considered the evidence adduced at the hearing the Tribunal is satisfied that the respondent was employed by the appellant under a contract of employment and as such was entitled to receive written terms and conditions of employment in accordance with the Terms of Employment (Information) Act, 1994.

The respondent did not receive these and accordingly the Tribunal upholds the recommendation of the Rights Commissioner Ref: r-092664-te-10/DI and awards the respondent €1,200.00 under the Terms of Employment (Information) Act, 1994.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)