

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE
-appellant

CASE NO.
TE96/2010

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. T. Ryan

Members: Mr. N. Ormond
Mr. J. Dorney

heard this appeal at Dublin on 28th July 2011

Representation:

Appellant: Mr Richard Grogan, Richard Grogan & Associates, Solicitors,
16 & 17 College Green, Dublin 2

Respondent: Ms. Anne Byrne, IBEC, Confederation House,
84/86 Lower Baggot Street, Dublin 2

This case came before the Tribunal by way of an employee appeal of the Rights Commissioner Recommendation ref: r-076639-te-09/TB.

Appellant's Case

The appellant accepts he received the contract but not within the 2 months as prescribed by the Act and the following details were omitted;

- Name and address of the respondent
- No time specified for the 'fixed-term'
- No breakdown of hours of work
- No grievance or disciplinary policy outlined
- No rest or meal break entitlements specified

Respondent's Case

The respondent did issue the appellant with terms of employment within the 2 months as prescribed in the Act. The appellant worked from the 10th of April 2008 until his contract was terminated on the 31st December 2008. The appellant was re-employed on the 10th of January 2009 and received and signed his statement of Terms of Employment on that date. The respondent does not have a copy of the statement of terms of employment issued to the appellant for his first employment. In response to the omissions as outlined above;

- The name of the respondent is on the Statement of Terms of Employment
- The appellant was aware that the 'fixed-term' was on a weekly basis
- It is legitimate not to have set hours of work
- It is not necessary to include the Disciplinary and Grievance procedures in a statement of Terms of Employment
- Rest breaks are not included

Determination

The Tribunal upsets the Rights Commissioner Recommendation **ref: r-076639-te-09/TB** and awards the appellant €375.20 being the equivalent to 1 weeks' pay under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)