

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYER

TE278/2010

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

under

### TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. J. O'Connor  
Members: Mr. G. Andrews  
Mr. J. Flavin

heard this appeal at Tralee on 29th June 2012

Representation:

Appellant:

Mr. Chris O'Donovan,  
IBEC Mid-West, Gardner House, Bank Place, Charlotte Quay, Limerick

Respondent:

Padraig J. O'Connell, Solicitors, Glebe Lane, Killarney, Co. Kerry

This case came before the Tribunal by way of an appeal, by the employer, against the recommendation of the Rights Commissioner Ref: TE92361/10/MR.

#### **Employer's case**

The basis of the appeal by the employer was two-fold. Firstly, the amount was too high and would place an unreasonable financial strain on the employer as he had already reduced the number of employees and was still operating at a loss. Secondly, there was no loss or detriment to the employee as the written terms and conditions of employment given to him post termination of employment were the same as the unwritten terms and conditions in place during his employment.

#### **Employee's case**

The employee held that not having a written terms and conditions of employment was detrimental to him as he did not know what to do when he was made redundant. Had he been in possession of such a document the employee would have been better equipped to raise a grievance in respect of that redundancy.

**Determination**

Having considered the evidence adduced at the hearing the Tribunal is satisfied that the respondent was not given, in writing, within two months of commencement of employment, his terms and conditions of employment in writing.

The Tribunal finds that the respondent suffered a loss as a result of this and upholds the recommendation of the Rights Commissioner Ref: TE92361/10/MR and awards the respondent €900.00 under the Terms of Employment (Information) Acts, 1994 and 2001

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)