

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE
- Appellant

CASE NO.
TE258/2010

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. D. MacCarthy S C

Members: Mr C. McHugh
Mr C. Ryan

heard this appeal at Naas on 26th June 2012

Representation:

Appellant: Mr. Brendan Archbold, 12 Alden Drive, Sutton, Dublin 13

Respondent: Ms. Catherine Day, Peninsula Business Services (Ireland) Limited, Unit 3, Ground Floor, Block S, East Point Business Park, Dublin 3

This case came before the Tribunal by way of an appeal by the former employee against a recommendation of a Rights Commissioner reference number r-091131-te-10/EH.

The decision of the Tribunal was as follows:-

The appellant commenced working for the respondent company in February 2008. The appellant was inducted and received all documents relevant to induction except her contract of employment. During a store audit the appellant's manager, PH, became aware that the contract held on file in respect of the appellant was not signed by the appellant. The respondent conceded that PH forged the appellant's signature on the contract to meet the requirements of the store audit. The appellant became aware of this in or around the end of 2009 when she requested a contract of employment.

The appellant received a new contract in January 2010, two years after the commencement of her employment with the respondent company.

Determination

The respondent was unable to prove that the appellant received a contract in February 2008 when she commenced working with the respondent company. Both parties agreed that the appellant did not receive a new contract until January 2010.

The Tribunal finds that the appellant's appeal of the Rights Commissioner's Recommendation ref: r-091131-te-10/EH is well founded. The Tribunal varies the recommendation of the Right's Commissioner ref: r-091131-te-10/EH and awards the appellant compensation of €1,362.24 under the Terms of Employment (Information) Act, 1994.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)