

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER

CASE NO.
TE50-TE51/2011

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

EMPLOYEE and
EMPLOYEE *respondent 2*

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Smith

Members: Mr D. Morrison
Ms A. Moore

heard this appeal at Letterkenny on 22nd June 2012

Representation:

Appellant:

Respondent:

This appeal come before the Tribunal on behalf of the appellant (the employer) against the respondent (the employees) under the Terms of Employment Acts, 1994 to 2001, references – r-065662-te-08 and r-065674-te-08

The Rights Commissioner had concluded that the appellant (company) had not given the respondents (employees) a contract of employment within two months from the time they had commenced employment with the company and that the respondents were engaged on a contract of service and complied with the definition of employee as defined under the Act.

Determination:

On the oral evidence presented the Tribunal failed to be convinced that the status of the respondents was anything other than that of employee. The Tribunal therefore upholds the recommendation of the Rights Commissioner and the appeal under The Terms of Employment (Information) Act, 1994 and 2001 fails.

The Tribunal affirms the award of € 1,348.00 to *respondent 1* and €1384.00 to *respondent 2* under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

