

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

– Appellant (The Employee)

TE1/2011

against the recommendation of the Rights Commissioner R-093043-TE-10/GC
in the case of:

– Respondent (The Employer)

under

TERMS OF EMPLOYMENT (INFORMATION) ACTS, 1994 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. Wallace

Members: Mr G. Andrews
Ms S. Kelly

heard this appeal at Castleconnell on 14 September 2012

Representation:

Appellant (The Employee):

Mr Mark O'Brien, John McNamara & Associates, Solicitors,
28 O'Curry Street, Limerick

Respondent (The Employer):

Ms Caroline McEnery, HR & Business Solutions,
Causeway, Tralee, Co. Kerry

This case came before the Tribunal by way of an appeal by the employee against the recommendation of a Rights Commissioner **R-093043-TE-10/GC**

The determination of the Tribunal was as follows:

The employee worked in the respondent's Limerick store from October 2009 and reported to the manager of that store. The employee's position was that on many occasions she asked the manager for a statement of her terms and conditions of employment. It was common case that, even though the managing director (MD) of the respondent was in the store one day every week, the employee never raised this issue with him. The employee was off work from March 2010 until July 2010 when the employment ended.

During March 2010 the respondent employed the services of its representative at these proceedings to ensure compliance with the Terms of Employment (Information) Acts. Contracts of employment

and statements of terms and conditions were prepared for all employees and given to them. The employee's documents were kept on file pending her return to work. The documents were provided in response to a letter from the employee's solicitor on 24 May 2010 advising that a complaint under the Acts had been lodged with the Rights Commissioner service.

Determination:

The Tribunal affirms the decision of the Rights Commissioner that the complaint was well founded as there was a breach of Section 3 of the Acts. In all the circumstances the Tribunal is satisfied that it is just and equitable to make no award under the Terms of Employment (Information) Acts, 1994 to 2001

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)