

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.
PW501/2011
TE298/2011

EMPLOYEE - Appellant

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

EMPLOYER - Respondent

under

PAYMENT OF WAGES ACT, 1991 TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.
Members: Mr. R. Prole
Mr A. Butler

heard this appeal at Naas on 29th November 2012

Representation:

Appellant: Mr Blazej Nowak, c/o Mr. Pdraig Murphy, Solicitor, 54 South William Street, Dublin 2

Respondent: Mr. Michael O'Sullivan, HR Advisor, ARRA HRD Limited, Castlelost West, Rochfortbridge, Co Westmeath

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an employee appealing the recommendation of the Rights Commissioner ref: r-107834-te-11/TB and the decision of the Rights Commissioner ref: r-107832-pw-11/TB.

The Tribunal heard evidence from the appellant who maintained that he did not receive a written statement of his terms of employment within the first two months of his commencement with the respondent company. CS, from the respondent company told the Tribunal that she is responsible for the respondent company's payroll and issuing of contracts to employees. CS explained that it is common practice to issue new employees with their contract of employment within a couple of weeks of their commencement with the respondent. The appellant confirmed that he received a copy of a contract in January 2011.

The appellant was also seeking payment of wages in respect of a period of lay off of 9 weeks.

The respondent argued that the appellant's terms of employment made provisions for lay off.

Determination

Based on the evidence adduced at the hearing the Tribunal upholds the decision of the Rights Commissioner ref: r:-107832-pw-11/TB under the Payment of Wages Act, 1991.

The Tribunal upholds the recommendation of the Rights Commissioner ref: r-107834-te-11/TB and awards the appellant €500 under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)