

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

TE214/2011

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

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. V. Gates  
Members: Mr. M. Noone  
              Mr. F. Keoghan

heard this appeal at Dublin on 18th January 2013

Representation:

Appellant:  
    The appellant in person

Respondent:  
    Flynn O'Driscoll Business Lawyers, 1 Grant's Row, Lower Mount Street, Dublin 2

**This case came before the Tribunal by way of an appeal by the employee against the decision of the Rights Commissioner reference: r-099486-te-10/DI**

#### **Appellant's case**

The appellant began work as a book keeper with the respondent on 27<sup>th</sup> April 2009 and continued until 20<sup>th</sup> October 2010. The appellant was given a contract of employment and he understood that he was to carry out a certain body of work for the respondent. However shortly after commencing work it became apparent to the appellant that he was required to do more work than he had been hired for. The appellant carried out this extra work but was not paid extra for it. The quantity of work required to be carried out was not stipulated in the contract of employment and the appellant contended that this was an omission from the contract. There were no alterations made to the contract of employment under which he had been engaged.

The appellant told the Tribunal that the reason for his appeal was that he wished to be paid for the extra work he had carried out for the respondent.

**Respondent's case**

The respondent contested that there had been no alteration to the appellant's contract of employment and there were no grounds for an appeal under the Terms of Employment(Information) Act, 1994 and 2001.

**Determination**

The appeal before the Tribunal was under the Terms of Employment (Information) Act, 1994 and 2001.

The appellant accepted that there was no alteration to his terms and conditions of employment but contended that there was an omission in the contract insofar as he was required to undertake a full year's bookkeeping work in relation to the year prior to his commencement in employment.

As there was no alteration in the appellant's terms and conditions of employment, there is no basis for an appeal under the above Acts. Accordingly the Tribunal upholds the decision of the Rights Commissioner reference: r-099486-te-10/DI and the appellants appeal under the Terms of Employment (Information) Act, 1994 and 2001 fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

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