

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYER  
- *appellant*

CASE NO.  
TE1/2012

PW1/2012

against the recommendation of the Rights Commissioner in the case of:  
EMPLOYEE - *respondent*

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr. A. O'Mara  
Ms. R. Kerrigan

heard this appeal at Monaghan on 16th April 2013

Representation:

\_\_\_\_\_

Appellant(s) : In Person

Respondent(s) :

These cases came before the Tribunal by way of an appeal by the employer (appellant) against the decision/recommendation of the Rights Commissioner (r-108017-pw-11/SR and r-107992-te-11/SR) under the Payment of Wages Act, 1991 and the Terms of Employment (Information) Act 1994 and 2001.

#### **Determination**

The Tribunal having heard the submissions made by both parties in this case under the Terms of Employment (Information) Act 1994 and 2001 took note that the correct name of the employer was not appended to the contract of employment, and this along with other essential terms were omitted from the contract. Therefore the Tribunal must find that the employers failed to comply with the terms of the said Act in the contract given to the employee. In those circumstances the Tribunal upholds the recommendation of the Rights Commissioner.

The Tribunal noted the submissions made on behalf of the parties in respect of the appeal under the Payment of Wages Act, 1991 and also noted the failure of the employers to comply with the

terms of section 7 (2) (b) of the Payment of Wages Act. Therefore the appeal fails and the decision of the Rights Commissioner is upheld.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

