

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER

-Appellant

CASE NO.
TE243-TE246/2011

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

EMPLOYEE *-Respondent A*

EMPLOYEE *- Respondent B*

EMPLOYEE *-Respondent C*

EMPLOYEE *-Respondent D*

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Hennessy
Mr F. Dorgan

heard this appeal at Kilkenny on 2nd March 2012

Representation:

Appellants: Ms. Muireann McEnery, Peninsula Business Services (Ireland) Ltd,
Unit 3, East Point Business Park, Dublin 3

Respondent: Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

The decision of the Tribunal was as follows:

These appeals came before the Tribunal by way of an employer (the appellant) appealing against the decisions of a Rights Commissioner under the Terms of Employment (Information) Act, 1994 and 2001 (references :r-102013-te-10/JC, r-101003-te-10/JC, r-104797-te-10/JC and r-101919-te-10/JC).

It was the respondent's case that the employees were provided with a written statement of their terms and conditions and a copy of the employee handbook in August 2007 . It was

acknowledged by the respondent that in the case of Respondent A who commenced employment in March 2005, Respondent C who commenced employment in March 2006 and in the case of Respondent D who commenced employment in May 2006, the contract of employment was furnished outside the stipulated two-month time period as set out under S.3.

However, the respondent disputed the Rights Commissioners findings in relation to the failure to include in the written statements the particulars of the times and durations of the rest periods as required by S.I. 49/1998 and submitted that the contracts provided complied fully with the requirements of S. 3 of the Acts.

It was the respondents' case that they did not receive a written statement that complied with S.3 of the Acts and they sought to have the findings of the Rights Commissioner upheld.

Determination:

The Tribunal is satisfied that the appellant company did not fully comply with S. 3 of the Acts in relation to furnishing contracts of employment to Respondent A, C and D within two months of the commencement of their employment and that the contract that was provided did not outline the rest periods to which the four employees were entitled. The Tribunal therefore upholds the decisions of the Rights Commissioner under the Terms of Employment ((Information) Acts, 1974 and 2001, (references: r-102013-te-10/JC, r-101003-te-10/JC, r-104797-te-10/JC and r-101919-te-10/JC).

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)