

Contracts of Employment – The Requirement to Furnish a Contract

In case TED1914 being a case of Maano Food (Dungarvan) Limited the employer in this case appealed the decision of an Adjudication Officer awarding four weeks wages. The Labour Court in this case awarded compensation of two weeks wages. The Court pointed out that the failure to provide the employee with a revised statement within one month of changes taking effect in this case was the less serious end of the scale.

The Labour Court importantly however has confirmed that

“It is well established in the determinations of this Court that it is not necessary for a complainant under the Act to demonstrate that he or she suffered a detriment arising from the employer’s non-compliance with the Act in order to secure compensation.”

This is an extremely important statement by the Court.

In various cases before the WRC the argument is regularly made by employers that the employee has not suffered a detriment. It is helpful that the Labour Court has again restated that such an issue is not relevant and that an employee, bringing a claim does not need to demonstrate that they suffered a detriment.

It is to be hoped that this most recent decision of the Labour Court is one which will be taken on board to avoid unnecessary arguments being made in the WRC that detriment is an element to be taken into account.