

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
EMPLOYEE

-claimant

CASE NO.
UD1721/2011
TE226/2011

for implementation of the recommendation of the Rights Commissioner
in the case of:

EMPLOYEE *-claimant*

-v-

EMPLOYER *-respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007 TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. C. Corcoran B.L.
Members: Mr. M. Flood
Mr. S. Mackell

heard this claim at Dublin on 6th June 2013

Representation:

Claimant: In person

On record and no appearance by

Respondent: No appearance or representation

Background:

These cases are before the Tribunal by way of an employee implementation of the recommendation of the Rights Commissioner

The employee's representative sent a fax to the Tribunal on the day of the hearing indicating that he did not wish to have the matter proceed as the employer entity was dissolved. However on the day of hearing the employee attended the hearing to prosecute the claims.

Determination:

Section 7 (4) (a) of the Unfair Dismissals Act, 1977 to 2007:

"Where a recommendation of a rights commissioner in relation to a claim for redress under this Act has not been carried out by the employer concerned in accordance with its terms, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought, the employee concerned may bring the claim before the Tribunal and the Tribunal shall, notwithstanding subsection (5) of this section, without hearing the employer concerned or any evidence (other than in relation to the matters aforesaid), make a determination to the like

effect as the recommendation.”

Accordingly, the Tribunal makes a determination to the like effect as Right Commissioner Recommendation, ref: r-101963-ud-10/JT, that the appellant be re-instated, under the Unfair Dismissals Acts, 1977 to 2001.

The Tribunal, is satisfied that the recommendation of the Rights Commissioner made under section 7 of the Terms of Employment Act 1994 to 200, ref: r-1011954-te-10/JT, has not been carried out by the employer/respondent in accordance with its terms or at all and it is further satisfied that the prescribed six-week time limit for bringing an appeal against the recommendation has expired and no such appeal has been brought. Accordingly, the Tribunal makes a determination to like effect as the Rights Commissioner’s recommendation that the respondent pays the appellant €1,200.00, under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

