

CORRECTING ORDER

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

CASE NO.

TU79/2006

UD811/2006

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

under

**TRANSFER OF UNDERTAKINGS REGULATIONS 2000
UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr P. Pierson
Mr P. Clarke

heard this claim at Cavan on 8th January 2007

Representation:

Claimant(s) : Mr. Peter McAleer, 11 Cherry Park, Clones, Co. Monaghan

Respondent(s) : In person

This case came to the Tribunal by way of appeal for implementation of Rights Commissioner Recommendations R-032665-ma-05/DI and R-035128-ma-05-DI.

The determination of the Tribunal was as follows:-

This Order corrects the original Order dated the January 16th 2007 and should be read in conjunction with that Order.

The correct title of the respondent company is XXXX

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

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The determination of the Tribunal was as follows:-

Claimant's Case

The claimant sought implementation of the Rights Commissioner's decision, R-032665-ma-05/DI where the Rights Commissioner found that that a transfer of undertakings took place that resulted in the claimant having continuity of service. He found that the claimant was constructively dismissed and awarded the sum of €4,000.

The claimant also sought implementation in relation to R-035128-ma-05/DI where the Rights Commissioner found that the respondent was in breach of Regulation 4 and Regulation 8 of the European Communities (Protection of Employers on Transfer of Undertakings) Regulations (SI 2003/131) and awarded the sum of €8,000 and €1,000 respectively.

Respondent's Case

The respondent stated that he had not received a copy of the Rights Commissioner's recommendation in time to appeal the claim.

Determination

The Tribunal orders the implementation of Rights Commissioner Recommendation R-032665-ma-05-DI by which the respondent was to pay them the sum of €4,000 in compensation.

The Tribunal orders the implementation of Rights Commissioner Recommendation R-035128-ma-05-DI by which the respondent was to pay them the sum of €8,000 in compensation in respect of the respondent's breach of Regulation 4 and compensation of €1,000 in respect of the respondent's breach of Regulation 8 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations (SI 2003/131).

Sealed with the Seal of the

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This _____

(Sgd.) _____
(CHAIRMAN)