

CORRECTING ORDER

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

CASE NO.

TU82/2006

(RP434/2005)

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

under

TRANSFER OF UNDERTAKINGS REGULATIONS 2000

I certify that the Tribunal
(Division of Tribunal)

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

Members: Mr P. Pierson
Mr P. Clarke

heard this appeal at Cavan on 8th January 2007

Representation:

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

Respondent(s) : No representation listed

This case came to the Tribunal by way of appeal for implementation of Rights Commissioner Recommendations R-032664-tu-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:-

Appellant's Case

The appellant sought implementation in relation to R-032664-tu-05/DI where the Rights Commissioner found that a transfer of undertakings took place and 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 €1,000 and €800 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-032664-tu-05-DI by which the respondent was to pay them the sum of €1,000 in compensation in respect of the respondent's breach of Regulation 4 and compensation of €800 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

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)