

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
TE53/2007

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

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. S. Ó Riordain
Members: Mr. M. Kennedy
Mr. P. Trehy

heard this appeal at Dublin on 22nd November 2007

Representation:

Appellant: Appeared in Person
Respondent: Mr. Brian Cleary, Secretary of the Respondent Company appeared In Person

The decision of the Tribunal was as follows:-

The appellant has brought a claim for implementation of the Rights Commissioners' Recommendation (Ref: r-045090-te-06).

The Tribunal is satisfied that the time delimited by section 8(2)(a) of the Terms of Employment (Information) Act, 1994, to appeal a Recommendation of the Rights Commissioners, has expired without an appeal having been brought to the Tribunal, and this was confirmed by both parties in attendance at the Tribunal hearing on the above date.

As the time for appeal has expired, the only evidence that the Tribunal can hear is in relation to the performance, or otherwise, of the Recommendation. The Tribunal cannot at this stage reopen the merits of the case heard before the Rights Commissioner.

The Tribunal is satisfied that the Recommendation has not been given effect to and, therefore, under Section 8(6)(a), implements the Rights Commissioners' Recommendation and makes a determination to the like effect, awarding the appellant the amount of €1,000.00 under the Terms of Employment (Information) Act, 1994.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)