

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL OF:**

Employee

**CASE NO.**

TE6/2008

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

Employee

-v-

Employer

**under**

**TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J. Fahy BL

Members: Mr. D. Morrison  
Mr M. McGarry

heard this appeal at Castlebar on 28th May 2008.

**Representation:**

Appellant: Mr. Michael Kilcoyne, S I P T U, S I P T U House, Forster Court, Galway

Respondent: No representation listed

This matter came before the Tribunal by way of an employee, who is the appellant, for the implementation of a recommendation (r-047232-te-06/JT) of the Rights Commissioner under the Terms of Employment (Information) Act, 1994 and 2001.

**Determination:**

“( 6 ) ( a ) Where a recommendation of a rights commissioner in relation to a complaint 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 complaint before the Tribunal and the Tribunal shall, 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.”

It having been established that the employer has either failed to appeal or implement the said recommendation the Tribunal makes a determination of an award of €2,040.00 to the employee, to the like effect of the recommendation of the Rights Commissioner (r-047232-te-06/JT), under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

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This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

