

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
TE2/2008

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 M. Gilvarry
Members: Mr. B. O'Carroll
Mr M. McGarry

heard this appeal at Castlebar on 26th May 2008

Representation:

Appellant: Ms Irena Suchenka, Crosscare
Migrant Project, 1 Cathedral Street, Dublin 1

Respondent: Mr John Mitchell, John F. Mitchell & Co.,
Ballyhaunis, Co. Mayo

This matter came before the Tribunal by way of an employee, who is the appellant, for the implementation of a recommendation (r-050412-te-07/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 failed to appeal or implement the said recommendation the Tribunal makes a determination of an award of €2,555.00 to the employee, to the like effect of the recommendation of the Rights Commissioner (r-050412-te-07/JT), under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)