

## **EMPLOYMENT APPEALS TRIBUNAL**

### **APPEAL(S) OF:**

Employee

### **CASE NO.**

TE 50/2008

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

2 Employers

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. P. Mc Grath BL

Members: Mr J. Reid  
Ms J. Maher

heard this appeal at Dublin on 7<sup>th</sup> July 2008

### **Representation:**

Appellant(s): In person

Respondent(s): Ms. Nicola Malone BL instructed by Niall Sheerin & Co., Solicitors, 17 North  
King Street, Dublin 7.

The decision of the Tribunal was as follows: -

This implementation of a recommendation comes before the Tribunal after the hearing by the Rights Commissioner of a claim under the Terms of Employment Act, 1994 heard on January 31st 2008(r-055730-te-07-EH).

### **Determination:**

The Tribunal is satisfied that the time delimited by Section 9 (1) of the Terms of Employment Act, 1994 to appeal the recommendation of the Rights Commissioner has expired without an appeal being brought.

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

The Tribunal is satisfied that the recommendation has not been carried out. Accordingly, the

Tribunal makes a determination to the like affect as the Rights Commissioner recommendation, r-055730-te-07-EH, that the respondent pays the claimant under the Terms of Employment Act, 1994 the sum of €1600.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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