

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employer

CASE NO.
UD178/2008
TE13/2008
TU1/2008

against the recommendation of the Rights Commissioner in the case of:

Employee

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001
TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001
EUROPEAN COMMUNITIES (Protection of Employees on Transfer of Undertakings)
Regulations, 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. McCarthy S C

Members: Mr J. Browne
Mr P. Trehy

Heard this appeal at Wexford on 11th November 2008

Representation:

Appellant: Rory Deane & Co., Solicitors, Temple House,
8 Temple Shannon, Enniscorthy, Co. Wexford

Respondent : Ms. Geraldine Malone, Branch Official, SIPTU,
Connolly Hall, Summerhill, Waterford

This case came before the Tribunal by way of an appeal by an employer against the recommendations of a Rights Commissioner, references numbers r-050857-ud-07, r-050861-te-07, and r-050859-tu-07.

The determination of the Tribunal was as follows:

Having heard the submissions from both parties the Tribunal reverses the recommendation under the Unfair Dismissals Acts, 1977 to 2001 as it finds the dismissal was not unfair under those Acts.

The recommendation under the Terms of Employment (Information) Act, 1994 is varied and the Tribunal awards the respondent €2572.00 under that Act.

The Tribunal also reaffirms the recommendation under the European Communities (Protection of Employees on Transfer of Undertakings) Regulations, 2003 and therefore awards the respondent €2572.00 under that legislation.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

