

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE

CASE NO.  
TE181/2009

*- appellant*

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

*- respondent*

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr W. Power  
Mr P. Trehy

heard this appeal at Dublin on 25th November 2009

#### **Representation:**

Appellant(s) : Mr. Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot Street, Dublin 1

Respondent(s) : Lees, Solicitors, 45 Church Street, Listowel, Co Kerry

The decision of the Tribunal was as follows:-

#### **Determination:**

The implementation came before the Tribunal by way of a Rights Commissioner's recommendation dated April 21<sup>st</sup> 2009, reference r-071537-te-08/TB

“( 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.”

Accordingly the Tribunal orders that the Rights Commissioner's recommendation, (reference

r-071537-te-08/TB), to make an award of € 1,500.00 to the appellant under the Terms of Employment (Information) Act, 1994 to 2001, be implemented on receipt of this determination.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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