

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
Employee

CASE NO.
UD1250/2008

TE182/2008

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

Employee

-v-

2 Employers

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2001
TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L.

Members: Mr. M. Forde

Mr. T. Kennelly

heard this claim at Horse & Jockey on 29th January 2009

Representation:

Claimant: Conor Delaney, Solicitors, Friar Street,
Nenagh, Co Tipperary

Respondent: No representation listed

The claimant brought these claims before the Tribunal seeking implementation of the recommendations of a Rights Commissioner r-057425-ud-07/POB and r-057430-te-07/POB.

Determination:

Section 8 (4) (a) of the Unfair Dismissals Act, 1977 as substituted by S.7 of the Unfair Dismissals (Amendment) Act, 1993, provides:

Where a recommendation of a rights commissioner in relation to a claim for redress 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 claim 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.

The Tribunal is satisfied that the terms of the recommendation of the Rights Commissioner has not been carried out by the employer, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought. Accordingly, the Tribunal makes a determination to the like effect as the Rights Commissioner Recommendation r-057425-ud-07/POB and awards the claimant compensation in the amount of €20,000.00 under the Unfair Dismissals Acts, 1977 to 2001.

Section 8 (6) (a) of the Terms Of Employment (Information) Acts, 1994 to 2001 which provides for cases where the recommendation of the Rights Commissioner has not been carried out by the employer under this Act is expressed in like terms to the abovementioned provisions of the Unfair Dismissals Acts.

The Tribunal is satisfied that the terms of the recommendation of the Rights Commissioner has not been carried out by the employer, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought. Accordingly, the Tribunal makes a determination to the like effect as the Rights Commissioner Recommendation r-057430-te-07/POB. The Tribunal awards € 1,600.00 to the appellant under the Terms Of Employment (Information) Acts, 1994 To 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)