

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee
- appellant

TE146/2008

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

Members: Mr D. Hegarty
Ms H. Kelleher

heard this appeal at Cork on 27th January 2009

Representation:

Appellant: Mr. Terence J. O'Sullivan, Terence J. O'Sullivan, Solicitors,
32 Washington Street West, Cork City

Respondent: No appearance or representation

The decision of the Tribunal was as follows:

Determination:

There was no appearance by or on behalf of the respondent company. The Tribunal was satisfied that it had been properly put on notice of the hearing.

The claimant attended the hearing and confirmed that the recommendation of the Rights Commissioner was not implemented.

Section 8 (6) (a) of the Terms of Employment (Information) Acts, 1994 and 2001, states that:

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.

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-061271-te-08/JT. The Tribunal awards € 1,300.00 to the appellant under the Terms Of Employment (Information) Acts, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

