

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.
TE51/2009

EMPLOYEE

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

EMPLOYER

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. A. Taaffe

Members: Mr. A. O'Mara
Mr. P. Trehy

heard this appeal in Dublin on 25 June 2009

Representation:

Appellant(s) :
In person

Respondent(s) :
No attendance or representation

The decision of the Tribunal was as follows:-

This case came to the Tribunal as an appeal for implementation of Rights Commissioner Recommendation r-069386-te-08/EH.

The appellant brought this appeal to the Tribunal on the basis that he had not received the sum of €1,500.00 that was the subject of Rights Commissioner Recommendation r-069386-te-08/EH (dated 4 March 2009) and that the respondent had not appealed it within the required time limit.

No evidence was offered by or on behalf of the respondent.

Determination:

Section 8 (6) (a) of the Terms of Employment (Information) Act, 1994 states:

“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 aforesaid matters), make a determination to the like effect as the recommendation.”

Accordingly, the Tribunal makes a determination to the like effect as Rights Commissioner Recommendation r-069386-te-08/EH and awards the appellant the sum of €1,500.00 (one thousand five hundred euro) under the Terms of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)