

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

TE53/2009

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

EMPLOYEE

and

EMPLOYER

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath BL

Members: Ms A. Gaule
Mr F. Barry

heard this appeal at Dublin on 30th November 2009

Representation:

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

Respondent(s): Ms. Deirdre Gavin IBEC
xxxxx

The decision of the Tribunal was as follows: -

Determination

The implementation came before the Tribunal by way of a Rights Commissioner's recommendation dated 30 July 2008 reference r-061500-te-08/EH.

Section 8(6) of the Terms of Employment (Information) Act, 1994 as amended 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 matters aforesaid), make a determination to the like effect as the recommendation.”

Accordingly, the Tribunal orders that the Rights Commissioner’s recommendation, under the above Act, be upheld and that the appellant is to be paid €1,250 under the Terms of Employment Information Act, 1994 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

