

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL(S) OF:**

**CASE NO.**

EMPLOYEE

TE171/2009

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 J Flanagan BL  
Members: Mr D Winston  
Mr J Maher

heard this appeal at Dublin on 6<sup>th</sup> November 2009

Representation:

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

Respondent(s):  
No representation listed

This case came to the Tribunal by way of an appeal for implementation of Rights Commissioner Recommendation r-074202-te-09/TB.

The decision of the Tribunal was as follows: -

On the basis that the respondent had not appealed within the time allowed the recommendation of the Rights Commissioner r-074202-te-09/TB nor paid to the appellant the sum of €2,000.00 awarded by the Rights Commissioner, the appellant sought a determination of the Tribunal implementing the aforesaid recommendation.

No evidence was offered by or on behalf of the respondent to indicate that the respondent had appealed the recommendation or had paid the €2,000.00 awarded or any part thereof.

**Determination:**

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

*“Where a recommendation of a rights commissioner in relation to a complaint under this Act has not been carried out 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.”*

On the basis of the uncontroverted evidence of the appellant, the Tribunal makes a determination under the Terms of Employment (Information) Act, 1994 to 2001, to the like effect as Rights Commissioner recommendation r-074202-te-09/TB, allowing the appeal for implementation of the said recommendation and awarding the sum of €2,000.00 to the appellant.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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