

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:  
EMPLOYEE  
EMPLOYEE  
EMPLOYEE

CASE NO.  
TE295/2009  
TE297/2009  
TE296/2009

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. Fahy

Members: Mr T. Gill  
Mr M. McGarry

heard this appeal at Castlebar on 19th May 2010

#### **Representation:**

Appellants : Mr. Pat Flannery, Assistant Branch Organiser, SIPTU,  
Galway No 2 Branch, Forster Court, Galway

Respondent : No representation listed

This matter came before the Tribunal by way of an implementation of recommendations of a Rights Commissioner reference numbers r-077910-te-09/JW; r-077917-te-09/JW, and r-077901-te-09/JW.

The decision of the Tribunal was as follows:

Section 8 (6) (a) of the above Acts read:

*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.*

It having been established that the employer has failed to appeal or implement the said

recommendations the Tribunal makes a determination of an award of €2176.00 to each of the appellants to the like effect of the recommendations of the Rights Commissioner under the Terms of Employment (Information) Acts, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

