

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
PL3/2009

- appellant

against the recommendation of the Rights Commissioner in the case of:
EMPLOYER *- respondent*

under

PARENTAL LEAVE ACT, 1998 AND 2006

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr J. Goulding
Mr C. Ryan

heard this appeal at Dublin on 1st June 2010

Representation:

Appellant(s) : Mr Willie Noone, SIPTU, 8th Floor, Liberty Hall, Dublin 1

Respondent(s) : Mr. Phil Donohue, Dublin Bus, 59 O'Connell Street, Dublin 1

This case came before the Tribunal by way of an employee appealing the decision of a Rights Commissioner ref: (r069995-pl-08).

The decision of the Tribunal was as follows:-

Preliminary

A preliminary issue was raised by the respondent in respect of the time frame of the appellant's lodging of the T1B form to appeal a Rights Commissioners recommendation. The appeal was heard by the Rights Commissioner on February 5th 2009. The recommendation was signed on April 9th 2009.

The appellant's (then) union representative lodged the T1D form including the Rights Commissioners recommendation to the Employment Appeals Tribunal on June 15th 2009 to appeal the recommendation.

Preliminary Determination:

Section 19 (1) and (2) of the Parental Leave Act 1998 states:

“(1) A party concerned may appeal to the Tribunal from a decision or direction of a Rights Commissioner under Section 21 and the Tribunal shall receive any relevant

evidence tendered by a party to the dispute.

- (2) *An appeal under this section shall be initiated by a party to the dispute concerned giving to the Tribunal, as soon as may be and in any event not later than 4 weeks from the date on which the decision was given to the party, a notice in writing to the Tribunal containing such particulars (if any) as may be prescribed and the Tribunal shall give a copy of the notice to the other party concerned as soon as may be after the receipt by it of the notice."*

The Tribunal finds that it has no jurisdiction to hear this appeal as it is outside the four-week period allowed for such appeals under the Parental Leave Act, 1998.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)