

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

TE212/2009

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: Ms. C. Gleeson BL

Members: Mr. E. Handley
Ms. M. Maher

heard this appeal in Dublin on 7 May 2010

Representation:

Appellant:

Mr. Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot
Street, Dublin 1

Respondent:

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-074819-te-09/JC.

At the hearing the Tribunal was told that the respondent had neither appealed the Recommendation
before the expiry of the appeal period nor paid the employee the €500.00 that the respondent was
ordered to pay to the employee in the Recommendation.

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

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 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 implements Rights Commissioner Recommendation r-074819-te-09/JC and makes a determination to the like effect awarding the appellant employee the sum of €500.00 (five hundred euro) under the Terms of Employment (Information) Acts, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

