

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL OF:  
EMPLOYEE

CASE NO  
TE291/2009

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. T. Ryan  
Members: Mr. M. Flood  
              Mr. S. O'Donnell

heard this appeal at Dublin on 23rd August 2010

**Representation:**

Appellant : Byrne & Co, Solicitors, 11 Malahide Road, Swords, Co Dublin  
(no appearance on day of hearing)  
Respondent : No representation listed

The decision of the Tribunal was as follows:

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.*

The Tribunal being satisfied that there has been no appeal lodged against this recommendation nor payment of the amount recommended hereby implements the Rights Commissioner's recommendation ref. r-072728-te-08/MMG and makes a determination to the like effect awarding the appellant €1500.00 under the Terms of Employment (Information) Acts, 1994 and 2001.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

(CHAIRMAN)

