

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE (**Claimant**)

CASE NO.  
UD544/2010  
TE73/2010

for implementation of the recommendation of the Rights Commissioner  
in the case of:

EMPLOYER (**Respondent**)

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007 TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.  
Members: Mr J. Hennessy  
Mr T. Kelly

heard this claim at Carlow on 15th October 2010

#### **Representation:**

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

Respondent: Mr Rory O'Neill, Mallon, Solicitors, Glencarn Centre,  
Castleblayney, Co. Monaghan

#### **The determination of the Tribunal was as follows:**

These implementations came before the Tribunal by way of a Rights Commissioner's Recommendations dated 22<sup>nd</sup> January 2010 (references r-079707-ud-09/DI and r-079718-te-09/DI) under the Unfair Dismissals Acts and the Terms of Employment (Information) Act.

The Tribunal is satisfied that the recommendation of the Rights Commissioner made under Section 7 of the Unfair Dismissals Acts, 1977 to 2007 has not been carried out by the employer in accordance with its terms or at all and it is further satisfied that the prescribed six-week time limit for bringing an appeal against the recommendation has expired and no such appeal has been brought.

The Tribunal is satisfied that the time delimited by Section 9(1) of the Terms of Employment (Information) Act, 1994 to appeal the recommendation of the Rights Commissioner has expired without an appeal having been brought or the payment being completed.

**Determination:**

Accordingly the Tribunal orders that the Rights Commissioner's Recommendation to re-instate the appellant under the Unfair Dismissals Acts, 1977 to 2007 be implemented on receipt of this determination.

In addition the Tribunal orders that the Rights Commissioner's Recommendation to make an award of €1,600.00 to the appellant under the Terms of Employment (Information) Act, 1994 to 2001 be implemented upon receipt of this determination.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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