

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:

CASE NO.

EMPLOYEE

UD2210/2009

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

EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr N. Russell  
Members: Mr J. Hennessy  
Ms. N. Greene

heard this claim at Abbeylax on 27th September 2010

Representation:

\_\_\_\_\_

Claimant:

XXXXXXXXXX

Respondent:

Mason Hayes & Curran, Solicitors, South Bank House, Barrow Street, Dublin 4

This case came to the Tribunal by way of an application for implementation of the Rights  
Commissioners recommendation r-073082-ud-09/JC

The determination of the Tribunal was as follows:-

The respondent confirmed that the recommendation of the Rights Commissioner had not been  
implemented and that an appeal had not been brought, within the specified time, against that  
recommendation.

However the respondent outlined grounds upon which an appeal would have been lodged and held  
that the form T2 (notice of appearance) was the format by which they made an appeal. This form  
was signed by the respondent on 12<sup>th</sup> January 2009.

**Determination:**

“( 6 ) ( a ) 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.”

The Tribunal are satisfied that the lodging of form T2 by the respondent did not constitute an appeal against the recommendation of the Rights Commissioner and that notwithstanding this the time for bringing an appeal had passed before the date of this document.

It having been established that the employer has failed to appeal or implement the said recommendation the Tribunal makes a determination to the like effect of the recommendation of the Rights Commissioner r-073082-ud-09/JC, under the Unfair Dismissals Acts, 1977 to 2007 and orders that the appellant be re-instated in accordance with the provisions of section 7(1)(a).

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

