

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

TE14/2010

EMPLOYEE *-appellant 1*

EMPLOYEE *-appellant 2*

TE18/2010

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

EMPLOYER *-respondent*

under

### TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr C. Corcoran B.L.

Members: Mr M. Murphy  
Mr N. Dowling

heard this appeal at Navan on 7th January 2011

#### **Representation:**

Appellant: Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

Respondent: No appearance or representation on behalf of

This case came to the Tribunal as an appeal for implementation of Rights Commissioner Recommendation **r-068738-te-08/JW** and **r-069777-te-08/EH**.

On the basis that the respondent had not appealed Rights Commissioner Recommendation **r-068738-te-08/JW** and **r-069777-te-08/EH** nor paid to the appellant the compensation calculated by the Rights Commissioner, the appellant sought that the Tribunal implement the Recommendation.

#### **Determination:**

Section 8 (6) (a) of the Terms of Employment (Information) Act, 1994, states:

“Where a recommendation of a rights commissioner in relation to a complaint under this Act has not been carried out 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.”

As there was no attendance by the first named appellant, his appeal for the implementation of the Rights Commissioner Recommendation **r-068738-te-08/JW** under the Terms of Employment (Information) Act, 1994 to 2001 fails for lack of prosecution.

On the uncontested evidence of the second named appellant, the Tribunal unanimously makes a determination under the Terms of Employment (Information) Act, 1994 to 2001, to the like effect as Rights Commissioner Recommendation **r-069777-te-08/EH**, thus allowing the appeal for implementation of the said recommendation and awarding the appellant the sum of €2,000.00 under the said Terms of Employment (Information) Acts, 1994 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

