

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
EMPLOYEE *-claimant*

CASE NO.
UD946/2010
TE120/2010

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: Mr C. Corcoran B.L.

Members: Mr M. Murphy
Mr N. Dowling

heard this claim at Navan on 7th January 2011

Representation:

Claimant: Mr. Marcin Szulc, Maguire McClafferty, Solicitors, 8 Ontario Terrace, Portobello
Bridge, Dublin 6

Respondent: Patrick O'Reilly & Co., Solicitors, 22 Ludlow Street, Navan, Co. Meath

This case came to the Tribunal by way of an appeal for implementation of Rights Commissioner
Recommendations **r-078424-ud-09/JW** and **r-078423-te-09/JW**.

On the basis that the respondent had not appealed Rights Commissioner Recommendation
r-078424-ud-09/JW and **r-078423-te-09/JW** 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.”

On the uncontested evidence of the appellant, the Tribunal unanimously makes a determination under the Unfair Dismissals Acts, 1977 to 2007 and the Terms of Employment (Information) Act, 1994 to 2001, to the like effect as Rights Commissioner Recommendations **r-078424-ud-09/JW** and **r-078423-te-09/JW**, thus allowing the appeal for implementation of the said recommendations and awarding the appellant the sum of €5,800.00 under the Unfair Dismissals Acts, 1977 to 2007 and €290.00 under the Terms of Employment (Information) Acts, 1994 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

