

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE

CASE NO.  
TE136/2010

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

EMPLOYER

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. L. Ó Catháin

Members: Ms. M. Sweeney  
Mr. O. Wills

heard this appeal in Cork on 14 October 2010

Representation:

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Appellant(s):

Ms. Mary Neville, Martin A. Harvey & Co., Solicitors,  
Parliament House, 9/10 Georges Quay, Cork

Respondent(s):

No legal representation

The decision of the Tribunal was as follows:-

This case under the Terms of Employment (Information) Acts, 1994 and 2001, came to the Tribunal as an employee's appeal for implementation of Rights Commissioner Decision r-079952-te-09JOC by which the appellant employee was awarded the sum of €1,200.00.

The respondent employer was in debt and unable to pay the award. It was uncontested that it had not paid or appealed the award by the date of the Tribunal hearing and that the appellant employee had not received a contract from the respondent.

**Determination:**

“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.”

Given that the award had not been paid or appealed within the required period, the Tribunal makes a determination under the Terms of Employment (Information) Acts, 1994 and 2001, to the like effect and orders that the respondent pay the appellant employee the sum of €1,200.00 under the said legislation.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

