

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

–*Claimant*

CASE NO.
UD743/2010

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

EMPLOYER

–*Respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. D. Donovan B.L.

Members: Mr. J. Browne
Mr. F. Dorgan

heard this claim at Waterford on 4th March 2011

Representation:

Claimant: In Person

Respondent: No appearance or representation on behalf of the respondent.

The determination of the Tribunal was as follows:

This matter came before the Tribunal by way of an implementation of a recommendation of a Rights Commissioner reference: r-079623-ud-09/MMG.

The decision of the Tribunal was as follows:

Section 7 (4) (a) of the Unfair Dismissals Act reads,

“Where a recommendation of a rights commissioner in relation to a claim for redress 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 claim before the Tribunal and the Tribunal shall, notwithstanding subsection (5) of this section, 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.”

It having been established that the employer has failed to appeal or implement the said recommendation the Tribunal makes a determination of an award of €6,000 to the appellant to the like effect of the recommendation of the Rights Commissioner under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)