

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE

CASE NO.
TE69/2010

EMPLOYEE

TE68/2010

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

EMPLOYER

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr J Goulding
Mr J Jordan

heard this appeal at Wicklow on 18th April 2011

These cases came before the Tribunal where the appellants were seeking implementation of the recommendations of a Rights Commissioner under the Terms of Employment (Information) Acts, 1994 and 2001, references r-072848/072734-te-098/MMG

Representation:

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

Respondent: Mr Brendan Weldon,
Brendan Weldon & Co, Meadow Brook House, Moone, County Kildare

The decision of the Tribunal was as follows:

Section 8 (6) (a) of the Terms Of Employment (Information) Act, 1994 and 2001 provides that:

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.

It having been established that the employer has failed to appeal the recommendations of the Rights Commissioner within the prescribed time nor did the employer implement the said recommendations the Tribunal makes a determination of an award of €1,500.00 to each of the appellants to the like effect of the recommendations of the Rights Commissioner under the Terms of Employment (Information) Acts, 1994 and 2001.

The Tribunal notes the submission of the solicitor for the respondent that reason for the non-implementation of these recommendations was the inability of the employer to pay the sums awarded due to grave financial difficulty and neither for any reason of inadvertence nor willful refusal to fulfill her commitments.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)