

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:	CASE NO.
EMPLOYEE - first named appellant	TU7/09
EMPLOYEE - second named appellant	TU8/09
EMPLOYEE - third named appellant	TU9/09

against the decisions of the Rights Commissioner
r-049625-tu-08/EH, r-049629-tu-07/EH and r-049627-tu-07/EH in
the case of:

EMPLOYER -**respondent**

under

EUROPEAN COMMUNITIES (PROTECTION OF EMPLOYEES ON TRANSFER OF UNDERTAKINGS) REGULATIONS 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Taaffe

Members: Mr. D. Moore
Mr. J Jordan

heard these appeals at Dublin on 12th March 2010

Representation:

Appellants: Mr Eddie Cassidy Divisional Organiser, Mandate Trade Union,
O'Lehane House. 9 Cavendish Row, Dublin 1

Respondents: No appearance or representation

Background:

These cases were brought before the Tribunal by way of the appellants (employees)
requesting implementation of decisions of Rights Commissioner refs:
(r-049625-tu-08/EH, r-049629-tu-07/EH & r-049627-tu-07/EH).

Determination:

The employees in this case were successful in their hearing before the Rights Commissioner and were each awarded sums as compensation; the employees are not appealing the cases.

Regulation 14 of the above SI 131 of 2003 provides

“ If an employer fails to carry out in accordance with its terms a decision of a rights commissioner or a determination of the Tribunal under Regulation 10 or 11 within 6 weeks from the date on which the decision or determination is communicated to the parties, the Circuit Court shall, on application to it in that behalf by –

.....

.....

without hearing the employer or any evidence (other than in relation to the matters aforesaid) make an order directing the employer to carry out the decision or the determination in accordance with its terms.”

The employees are seeking to implement each of the Rights Commissioner decisions. The Tribunal does not have Jurisdiction to make an order directing the employer in these particular cases. The function of the Tribunal in relation to this matter would be to hear any appeal of the rights commissioner decisions. No such appeal is before the Tribunal. Accordingly, the rights commissioner decisions can be enforced in the Circuit Court.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

