

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL OF:**

EMPLOYEE

- appellant

**CASE NO.**

UD1596/10

TE190/10

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

EMPLOYER

- respondent

**Under**

**UNFAIR DISMISSALS ACTS, 1977 TO 2007  
TERMS OF EMPLOYMENT (INFORMATION) ACTS 1994 AND 2001**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms M. Levey B.L.

Members: Mr. M. Noone  
Mr A. Butler

heard this appeal at Dublin on 3<sup>rd</sup> June 2011.

**Representation:**

Appellant: Ms Karina O'Leary, MacGuill & Co., 34 Charles Street West, Dublin 7

Respondent: No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:

This case came before the Tribunal where the appellant was seeking implementation of the Rights Commissioner Recommendation under the Unfair Dismissals Acts, 1977 to 2007 reference r-067783-ud-08/EH and under the Terms of Employment (Information) Acts, 1994 and 2001 reference r-067782-te-08/EH.

**Determination:**

There was no appearance by or on behalf of the respondent company. The Tribunal was satisfied that it had been properly put on notice of the hearing.

Section 7 (4) (a) of the Unfair Dismissals Act, 1977 to 2007 states:

“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.”

Accordingly, the Tribunal makes a determination to the like effect as Right Commissioner Recommendation r-076734-ud-09/GC that the respondent pay the appellant the sum of €1868.00 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal also being satisfied that the recommendation under the Terms of Employment (Information) Acts 1994 and 2001, has not been carried out by the respondent, the time for bringing an appeal against the recommendation has expired and no such appeal having been brought, makes an order to the like effect as the recommendation. The Tribunal awards €500.00 to the appellant under the Terms of Employment (Information) Acts, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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