

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:**CASE NO.**

EMPLOYEE

- appellant

UD1744/10

WT778/10

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 3rd June 2011.

Representation:

Appellant: In person

Respondent: In person

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-078175-ud-09/D1 and under the Organisation of Working Time Act, 1997 reference r-078180-wt-09/D1.

Determination:

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-078175-ud-09/D1 that the respondent pay the appellant the sum of €10,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal also being satisfied that the recommendation under the Organisation of Working Time Act, 1997 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 €750.00 to the appellant under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)