

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE (*appellant*)

CASE NO.
TE222/2011

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

EMPLOYER (*respondent*)

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr. A. O'Mara
Mr D. Thomas

heard this appeal at Dublin on 23rd September 2011

Representation:

Appellant(s) :
Richard Grogan & Associates, Solicitors,
16 & 17 College Green, Dublin 2

Respondent(s) :

No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:

This matter came before the Tribunal by way of a notice of claim for implementation of a recommendation of a Rights Commissioner r-096261-te-10/JC.

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

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 or implement the said recommendations the Tribunal makes a determination of an award of €1000.00 to the appellant to the like effect of the recommendations of the Rights Commissioner under the Terms of Employment (Information) Acts, 1994 and 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)