

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.
UD327/2011
TE39/2011

EMPLOYEE *-claimant*

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

EMPLOYEE *-claimant*

-v-

EMPLOYER *-respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms M. Levey B.L.

Members: Mr T. O'Grady
Ms M. Maher

heard this claim at Dublin on 27th June 2011

Representation:

Claimant: Lucan Citizens Information Centre,
Ballyowen Castle Community Centre, Ballyowen
Shopping Centre, Lucan, Co. Dublin

Respondent: No representation listed

Determination:

The claimant attended the hearing and confirmed that the recommendation of the Rights Commissioner was not implemented.

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, ref: r-091779-ud-10/JW, UD327/2011, that the respondent pay the appellant

the sum of €6,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

Under the Terms Of Employment (Information) Act, 1994 and 2001:

“(6) (a) 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.”

Accordingly, the Tribunal makes a determination to the like effect as Right Commissioner Recommendation, ref: r-091780 -te-10/JW, TE39/2011, that the respondent pay the appellant the sum of €1,200.00 under the Terms Of Employment (Information) Act, 1994 and 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

