

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.
TE203/2010

EMPLOYEE

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

EMPLOYER

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Mr. J. Reid
Mr N. Dowling

heard this appeal at Dublin on 16th January 2012

Representation:

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

Respondent : Mr Aidan Brophy, Brophy Gillespie, St Galls House, Milltown, Dublin 14

The implementation came before the Tribunal by way of a Rights Commissioner's recommendation dated 3rd March 2010, reference r-083644-te-09/JC

The decision of the Tribunal was as follows:

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.

The Tribunal having established that the employer has failed to appeal the recommendation of the Rights Commissioner within the prescribed time nor implement the said recommendation makes a determination of an award of €1,000.00 to the appellant to the like effect of the recommendation 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)

