

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

appellant

UD2392/2010

TE229/2010

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

EMPLOYEE

appellant

and

EMPLOYER

respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Mr M. Noone
Mr J. Maher

heard this claim at Dublin on 17th February 2012

Representation:

Claimant(s) Ms. Julienne Paye, Richard Grogan & Associates, Solicitors,
16 & 17 College Green, Dublin 2

Respondent(s): No representation or attendance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

These cases came before the Tribunal for implementation of a Rights' Commissioners recommendation
reference r-087452-ud-09 and r-087022-te-09

Determination

Section 7(4) of the Unfair Dismissals Act, 1977 to 1993, 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 the Rights Commissioner Recommendation that the respondent pays the appellant the sum of €9,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal is satisfied that the recommendation of the Rights Commissioner made under section 7 of the Terms of Employment (Information) Act, 1994 and 2001 has not been carried out by the employer in accordance with its terms or at all and it is further satisfied that the prescribed six-week time limit for bringing an appeal against the recommendation has expired and no such appeal has been brought. Accordingly, the Tribunal makes a determination to like effect as the Rights Commissioner's recommendation that the respondent pay the appellant €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)

