

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE  
*-appellant*

CASE NO.  
PE3/2011

against the recommendation of the Rights Commissioner in the case of:

EMPLOYER  
*-respondent*

under

### EUROPEAN COMMUNITIES (PROTECTION OF EMPLOYMENT) REGULATIONS 2000

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S. C.

Members: Ms A. Gaule  
Mr. S. O'Donnell

heard this appeal at Dublin on 10th October 2012

#### **Representation:**

Appellant: In Person

Respondent: In Person

#### **Background**

This case came before the Tribunal by way of the employee appeal of the Rights Commissioner Decision **ref: r-109176-pe-11/EH** under the European Communities (Protection Of Employment) Regulations 2000.

The appellant is alleging breaches of Section 9 which outlines the obligation of the employer to consult the employees' representative and Section 10 which outlines the employer's obligation to supply certain information in relation to redundancy.

The appellant is still in employment with the respondent; the proposed redundancies never took place. The appellant gave evidence that he is not a member of a trade union, staff association or 'accepted body'. Three staff members were chosen as representatives and met with the respondent as part of the consultation process.

**Determination**

Having considered all of the evidence adduced, the Tribunal upholds the decision of the Rights Commissioner **ref: r-109176-pe-11/EH** in relation to Section 9 and 10 of the European Communities (Protection of Employment) Regulations 2000.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)