

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

UD1266/12

- appellant

TE204/12

For implementation of the recommendations of the Rights Commissioner
in the case of:

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: Mr. N. Russell

Members: Mr J. Horan
Mr. F. Dorgan

heard this appeal at Carlow on 19th October 2012.

Representation:

Appellant: REP

Respondent: No appearance by or on behalf of the respondent

This case came before the Tribunal where the appellant was seeking implementation of the recommendations of the Rights Commissioner under the Unfair Dismissals Acts, 1977 to 2007 reference. r-094008-ud-10/D1 and the Terms of Employment (Information) Act 1994 and 2001 reference. r-094911-te-10/D1.

The determination of the Tribunal was as follows:-

Determination:

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 Rights Commissioner Recommendation r-094008-ud-10/D1 that the respondent pays the appellant the sum of €70 00.00 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal also being satisfied that the recommendation under the Terms of Employment (Information) Acts, 1994 and 2001, has not been carried out by the respondent, the time for bringing an appeal against the recommendation has expired and no such appeal having been brought, makes an order to the like effect as the recommendation. The Tribunal awards €993 .00 to the appellant under the Terms of Employment (Information) Acts, 1994 and 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)