

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE *-claimant*

CASE NO.
UD1777/2011
TE237/2011

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: Ms O. Madden B.L.

Members: Mr R. Murphy
Mr F. Barry

heard this claim at Dublin on 15th November 2012

Representation:

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

Respondent: No appearance or representation on behalf of the respondent.

Background:

These implementations came before the Tribunal by way of a Rights Commissioner's recommendations, references: r-093438-ud-10/MMG & r-093442-te-10/MMG.

The claimant confirmed that the sums awarded have not been paid to her by the respondent, nor have the above-mentioned recommendations been appealed.

Determination:

As 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.”

The Tribunal is satisfied that the recommendation of the Rights Commissioner made under Section 7 of the Unfair Dismissals Acts, 1977 to 2007 has not been carried out by the employer and it is further satisfied that the prescribed time limit for bringing an appeal against the recommendation has expired and no such appeal has been brought

Accordingly the Tribunal orders that the Rights Commissioner’s Recommendation (reference: r-093438-ud-10/MMG) to make an award of €5,000 to the claimant under the Unfair Dismissals Acts, 1977 to 2007 be implemented upon receipt of this determination.

The Tribunal is satisfied that the time delimited by Section 9(1) of the Terms of Employment (Information) Act, 1994 to appeal the recommendation of the Rights Commissioner has expired without an appeal having been brought or the payment being completed

In addition the Tribunal orders that the Rights Commissioner’s Recommendation (reference: r-093442-te-10/MMG) to make an award of € 750 to the appellant under the Terms of Employment (Information) Act, 1994 to 2001 be implemented upon receipt of this determination.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)