

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
TE162/2012

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: Ms. K.T. O'Mahony BL

Members: Mr. D. Hegarty
Ms. H. Kelleher

heard this appeal in Cork on 28 September 2012

Representation:

Appellant(s):

Mr. Mark Eiffe instructed by
Mr. Terence J. O'Sullivan, Terence J.O'Sullivan, Solicitors,
32 Washington Street West, Cork City

Respondent(s):

No attendance or representation

The decision of the Tribunal was as follows:-

This case came to the Tribunal as a claim for implementation of Rights Commissioner Recommendation r-094532-te-10/DI under the Terms of Employment (Information) Acts, 1994 and 2001.

The complainant/employee sought the implementation of Rights Commissioner Recommendation r-094532-te-10/DI by which the respondent was to pay him the sum of 2,300.00. (The employee's gross weekly pay with the respondent had been €575.00.)

No evidence was proffered by or on behalf of the respondent to suggest that the Rights Commissioner's Recommendation had been appealed within the required timeframe or that the payment recommended had been made.

Determination:

Section 8 (6) (a) of the Terms of Employment (Information) Act, 1994 provides: *“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.”*

As the employer has failed to comply with the recommendation of the Rights Commissioner, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought, the Tribunal makes a determination to the like effect as Rights Commissioner Recommendation r-094532-te-10/DI. As the employer has failed to comply with the recommendation of the Rights Commissioner, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought, the Tribunal makes a determination to the like effect as Rights Commissioner Recommendation r-094532-te-10/DI and orders that the respondent pay the complainant/employee the sum of €2,300.00 (this amount being equivalent to four weeks' gross pay at €575.00 per week) under the Terms of Employment (Information) Acts, 1994 and 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)