

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE - *claimant*

UD1653/2011

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

EMPLOYER - *respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr D. Peakin  
Ms M. Maher

heard this claim at Dublin on 19th December 2012

#### **Representation:**

Claimant(s) : Mr John Freeman B.L – instructed by Killian O’Brien,  
Bowler Geraghty Solicitors, 2 Ormond Quay, Dublin 2

Mr. Mary Duffy Keane, SIPTU, Membership Information &, Support  
Centre, Liberty Hall, Dublin 1

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

#### **Determination**

This is an application for the implementation of a Rights Commissioner’s  
recommendation dated 17 June 2011. Section 7 (4) (a) of the Unfair Dismissals Act, 1977 to  
1993 provides:

“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 all parties were on notice of the hearing. There was no appearance by or on behalf of the respondents. As the time for bringing an appeal has expired and no appeal having being brought the Tribunal orders that the Rights Commissioner's recommendation (reference R-090312-UD-10/JT) to make an award of €15,000 to the appellant under the UnfairDismissals Act, 1977 to 2007, be implemented.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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