

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

EMPLOYEE - claimant

CASE NO.

UD1359/12

TE208/12

WT337/12

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

EMPLOYER - Respondent

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001 UNFAIR DISMISSALS ACTS, 1977 TO 2007 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr F. Moloney
Ms. N. Greene

heard this claim at Naas on 23rd January 2013.

Representation:

Claimant: Ms Bonnie Hickey BL, instructed by Ms Emma Woodlock, Able, Solicitors, 72
Tyrconnell Road, Inchicore, Dublin 8

Respondent: No appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

This case came before the Tribunal where the appellant was seeking implementation of the Rights Commissioner Recommendations under the Unfair Dismissals Acts, 1977 to 2007 reference r-089974-ud-10/EH, under the Terms of Employment (Information) Acts, 1994 and 2001 reference r-089978-te-10/EH and under the Organisation of Working Time Act, 1997 reference r-089976-wt-10/EH.

At the outset of the hearing the claim for implementation of the Rights Commissioner recommendation under the Organisation of Working Time Act 1997 was withdrawn.

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 the Rights Commissioner Recommendation that the respondent pay the appellant the sum of €6,000.00 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 €1,000.00 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)