

## EMPLOYMENT APPEALS TRIBUNAL

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|--------------------------------------|----------------------|-------------------------|
| APPEALS OF:<br>Employee<br>TU19/2008 | – <i>appellant 1</i> | CASE NOS.<br>TE122/2008 |
| Employee<br>TU20/2008                | – <i>appellant 2</i> | TE123/2008              |
| Employee<br>TU21/2008                | – <i>appellant 3</i> | TE124/2008              |

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

3 Employers

under

### TERMS OF EMPLOYMENT (INFORMATION) ACTS, 1994 AND 2001 TRANSFER OF UNDERTAKINGS REGULATIONS 2003

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. P. McGrath

Members: Mr. E. Handley  
Mr. G. Whyte

heard this appeal at Dublin on 3 December 2008 and 22 June 2009

Representation:

Appellants: Mr. Eddie Cassidy, Divisional Organiser, Mandate Trade Union,  
O'Lehane House, 9 Cavendish Row, Dublin 1

Respondent: Mr. Hugh Byrne B.L., instructed by:  
Keans, Solicitors, 2 Upper Pembroke Street, Dublin 2

The decision of the Tribunal was as follows:

#### **Respondent's case:**

The respondent's representative said that the hearing should be adjourned on the basis that his client didn't receive notification of the Rights Commissioner's hearing. There was a misunderstanding, they got a letter from the EAT on 23 October. They agreed that no appeal was lodged.

**Appellant's case:**

The claimant's representative said that he spoke to the company's representatives and informed them that cases were being pursued. He got letter from their Solicitors on 30 April 2008. The respondent failed to turn up at Rights Commissioner hearing. He contacted the respondent after the order came out enclosing copies of the orders of 11 April 2008 (regarding Transfer of Undertakings claims).

The respondent did not appeal the recommendations of the Right's Commissioner under either the Terms of Employment (Information) Acts, 1994 and 2001 or under the Transfer of Undertakings Regulations 2003. Also the respondent had not carried out the recommendations of the Right's Commissioner.

**Determination:**

To implement the recommendation of the Right's Commissioner, the Tribunal awards appellant 1 €1,900.00 under the Terms of Employment Acts, 1994 and 2001. He is awarded €13,250.00 under the Transfer of Undertakings Regulations 2003.

To implement the recommendation of the Right's Commissioner, the Tribunal awards appellant 2 €1,900.00 under the Terms of Employment Acts, 1994 and 2001. He is awarded €5,500.00 under the Transfer of Undertakings Regulations 2003.

To implement the recommendation of the Right's Commissioner, the Tribunal awards appellant 3 €1,900.00 under the Terms of Employment Acts, 1994 and 2001. He is awarded €11,000.00 under the Transfer of Undertakings Regulations 2003.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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