

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:  
EMPLOYEE  
EMPLOYEE

CASE NOs.  
TE142/2009  
TE178/2009

for implementation of the recommendations 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 D. Donovan

Members: Mr J. Browne  
Mr T. Kelly

heard this appeal at Wexford on 31st March 2010

#### **Representation:**

Appellants : Mr Blazej Nowak, Polish Consultancy Enterprise, Information Officer,  
19 Talbot Street, Dublin 1

Respondent : No representation listed

The decision of the Tribunal was as follows:

This implementation hearing came before the Tribunal by way of a Rights Commissioner's recommendation dated 8 August 2008, references r-059037/059039-te-07 JOC.

Section 8 (6) (a) of the above Act states

*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.*

Having been established that the former employer/respondent has failed to appeal or implement these recommendations the Tribunal makes a determination of an award of €1600.00 each to the employees as stated in the recommendations of the Rights Commissioner under the Terms of Employment (Information) Acts, 1994 and 2001.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

