

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

CASE NO.
UD2015/2010

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

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy SC

Members: Mr. J. Browne
Mr. F. Dorgan

heard this case in Carlow on 8 June 2011

Representation:

Claimant(s):
Ms. Joanna Kwiatkowska,
2 Doirin Alainn, Ballylynan, Co.Laois

Respondent(s):
No legal representation

The determination of the Tribunal was as follows:-

This case came to the Tribunal under the Unfair Dismissals Acts, 1977 to 2007, as an employee's appeal for implementation of Rights Commissioner Recommendation r-076012-ud-09/JC by which an award of €13,000.00 had been made to the employee.

Section 7 (4) (a) of the Unfair Dismissals Act, 1977, 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 aforesaid matters), make a determination to the like effect as the recommendation.”

At the Tribunal hearing the Tribunal was told that the appellant had not received the recommended payment of €13,000.00 from the respondent. There was no indication that there had ever been an appeal by the employer.

Determination:

Under the Unfair Dismissals Acts, 1977 to 2007, the Tribunal makes a determination to the like effect as Rights Commissioner Recommendation r-076012-ud-09/JC and makes an award of €13,000.00 to the appellant employee against the respondent company under the said legislation.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)