

TRADE DISPUTES PANEL, SOLOMON ISLANDS

Under the Unfair Dismissal Act 1982

UD/182/89

Between: BUGA FITI

Applicant

and: EARTHMOVERS (SOLOMONS) LIMITED t/a PACIFIC TIMBERS

Respondent

Hearing at Honiara on 1 November 1990 before:

H Macleman Chairman

F Mahlon Member

H Creighton Member

For the applicant: G Suri, Legal Officer, Solomon Islands National
Union of Workers.

For the respondent: J C Corrin, Barrister & Solicitor.

F I N D I N G S

Pacific Timbers employed Mr Buga Fiti from 1 February 1987 to 1 September 1989. The dismissal was admitted and, due to an entire absence of evidence, the respondent's advocate conceded, correctly, that the Panel was bound to find the dismissal unfair. She made no submission on quantum. We assess compensation at the equivalent of the redundancy payment to which the applicant would have been entitled, two further months basic pay, and interest to date.

Applying the formula under s. 7 of the Employment Act 1981:-

1.2.87 - 1.9.89 = 138 weeks

138 x $\frac{1}{26}$ x 57 = \$ 302.54

2 x 228 = 456.00

\$ 758.54

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AWARD

The respondent unfairly dismissed the applicant and is to pay him compensation

of \$758.54 plus interest at 15% per annum from 1 September 1989 until payment (all payable immediately and recoverable as a debt under s. 10 of the Unfair Dismissal Act 1982).

EXPENSES

The Panel fixes a contribution of \$200 towards its expenses to be paid by the respondent to the Ministry of Commerce and Primary Industries within 14 days of this date.

APPEAL

- (1) There is a right of appeal to the High Court within 14 days on a question of law only: Unfair Dismissal Act 1982, s. 12; Trade Disputes Act 1981, s. 13; Trade Disputes Panel Rules 1981, r. 11; High Court (Civil Procedure) Rules 1964, O. 60 r. 3.
- (2) Any party aggrieved by the amount of compensation awarded may within one month of the date of the award appeal to the High Court: Unfair Dismissal Act 1982, s. 7(3).

Issued to parties on 6 November 1990.

On behalf of the Panel,



(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL