

TRADE DISPUTES PANEL, SOLOMON ISLANDS

Under the Unfair Dismissal Act 1982

UD/77/89

Between:

LEONARD NAKISI

Applicant

and:

NATIONAL FISHERIES DEVELOPMENT LIMITED

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.

No appearance for the respondent.

F I N D I N G S

Mr Leonard Nakisi worked for National Fisheries Development Limited from January 1987 to April 1989. On his day off he found that one of his children was sick. The child had to attend hospital for a week and the applicant stayed with him. He notified his employers of the position but on his return was peremptorily sacked.

On that uncontradicted account the dismissal was clearly unfair and we assess compensation at the equivalent of the redundancy payment to which he would have been entitled, two further months basic pay, and interest to date.

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

$$442 \times \frac{1}{26} \times (150 \times 12 + 52) = \$ 588.46$$

$$150 \times 2 = 300.00$$

\$ 888.46

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AWARD

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

of \$888.46 plus interest at 15% per annum from 30 April 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 part 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 on 6 November 1990.

On behalf of the Panel


(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL