

TRADE DISPUTES PANEL, SOLOMON ISLANDS

Under the Unfair Dismissal Act 1982

UD/128/90

Between:

BILLY WITE'E

Applicant

and:

C.P. BUTCHERY

Respondent

Hearing at Honiara on 29 January 1991 before:

H Macleman Chairman

G Kuper Member

F Koraimae Member

For the applicant: C. Waiwori, Assistant General Secretary, Solomon Islands  
National Union of Workers.

No appearance for the respondent.

FINDINGS

Mr Billy Wite'e was employed as a butcher from November 1988 to July 1990 by C.P. Butchery, a business which he said was owned by Mr Robert Leong and managed by Mr Ken Tong.

No notice of appearance was lodged by the respondent. The applicant said he had been dismissed after the manager had declined to give him an advance of salary he requested. His evidence disclosing no substantial reason for dismissal, we uphold the complaint and assess fair and reasonable compensation at the equivalent of the redundancy payment to which he would have been entitled after 90 weeks employment, 2 months further pay, and interest to date.

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

$$90 \times \frac{1}{26} \times (460 \times 12 + 52) = \$367.46$$

$$2 \times 460 = 920.00$$

\$1287.46

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AWARD

The respondent unfairly dismissed the applicant and is to pay him compensation of \$1287.46 plus interest at 15% per annum from 31 July 1990 until payment, payable immediately and recoverable as a debt under s. 10 of the Unfair Dismissal Act 1982.

EXPENSES

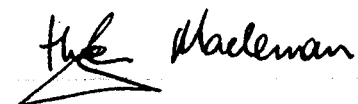
The Panel fixes a contribution of \$200 towards its expenses to be paid by the respondent to the Ministry of Commerce and Primary Industries within 14 days of this date.

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. 30 r. 3.
- (2) Any party aggrieved by the amount of compensation awarded may within one month of the date of the award to the High Court: Unfair Dismissal Act 1982, s. 7(3).

Issued on 30 January 1991.

On behalf of the Panel



(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL