

IN THE HIGH COURT OF KIRIBATI
CIVIL JURISDICTION
HELD AT BETIO
REPUBLIC OF KIRIBATI

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HIGH COURT CIVIL APPEAL 14 OF 2009

BETWEEN: KIRIBATI PORT AUTHORITY APPELLANT
AND: BIRIBO TONGABIRI RESPONDENT

FOR THE APPELLANT: MS TAAIRA TIMEON
FOR THE RESPONDENT: MR RAWEITA BENIATA

DATES OF HEARING: 31 MAY 2010

JUDGMENT
(EX TEMPORE)

The respondent worked for the appellant for a couple of years first as a casual labourer and later as a temporary machine operator. He was put off on 20 August 2004.

Precisely what his position was – casual, temporary or permanent – does not matter. An employer is entitled to dismiss an employee on giving notice for two weeks or without notice on payment of two weeks' wages instead. The respondent complains that he was merely paid up to the date of dismissal: not given two weeks' wages instead of notice.

The Single Magistrate considered he was entitled to compensation for being put off but this is not so. The respondent is not entitled to damages.

The appeal is allowed, the decision of the Single Magistrate is quashed. In lieu there will be an order that the respondent be paid the equivalent of two weeks' wages, \$213.15.

Robin Millburn