

TRADE DISPUTES PANEL, SOLOMON ISLANDS

Under the Unfair Dismissal Act 1982

UD/268/88

Between: ACTS KAIASI

Applicant

and: NATIONAL FISHERIES DEVELOPMENT LIMITED

Respondent

Hearing at Honiara on 27 November 1990 before:

H Macleman Chairman

F Mahlon Member

F Koraimae Member

For the applicant: M B Samuel, Public Solicitor's Office.

No appearance for the respondent.

F I N D I N G S

National Fisheries Development Limited employed Mr Acts Kaiasi as one of its fishing crew from 3 February to 1 November 1988 (he having worked intermittently for the company since early 1983). In its notice of appearance the company maintained that the applicant himself left his employment. The applicant told us that on 1 November 1988 he went to see the Operations Manager to query certain deductions from his pay. The Operations Manager gave him a note to take to the Personnel Manager. When the Personnel Manager opened it he told the applicant that it stated he had quit. Mr Kaiasi denied any such intention and returned with the Personnel Manager to see the Operations Manager, who told them both to get out of his office. He was then paid off.

On that account, which is the only evidence available to the Panel, the dismissal was clearly unfair. There is some difficulty in assessing compensation. We normally include the equivalent of a redundancy payment and of a certain number of months' further wages, together with an element of interest. In his complaint, the applicant stated an average take home pay of \$300 per month. In evidence, however, he explained that his remuneration was \$3 per tonne of fish caught, which varied a great deal. His best month, or trip, had brought him \$1,700.

In those circumstances we could take only a broad view of compensation, and have

decided on \$1,250 as a fair and reasonable figure.

AWARD

The respondent unfairly dismissed the applicant and is to pay him compensation of \$1,250, 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 appeal to the High Court: Unfair Dismissal Act 1982, s. 7(3).

Issued to parties 28 November 1990.

On behalf of the Panel


(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL