

TRADE DISPUTES PANEL, SOLOMON ISLANDS

Under the Unfair Dismissal Act 1982

UD/101/90

Between: CHRISCENTO VOTUA Applicant

and: SOLOMON TAIYO LIMITED

Hearing at Honiara on 29 November 1990 before:

H Macleman Chairman

F Mahlon Member

J Adifaka Member

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

For the respondent: P Belade, Personnel Manager.

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F I N D I N G S

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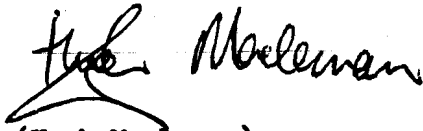
Solomon Taiyo Limited employed Mr Chriscentio Votua as a fisherman/greaser from 11 July 1985 to 11 June 1990. In March 1990 he went on leave and was due to return on 18 April. He did not report back until 11 June. The company had heard nothing from him in the meantime. In those circumstances Taiyo did not allow him to return to work, but discharged him.

The evidence from the applicant was that the delay was due to illness and transport delays. In our view the critical aspect was the failure to communicate with the employer. Votua said that his only effort at communication had been to ask a schoolboy returning to Honiara to pass a message to Honiara. That was a pitifully inadequate effort. He could easily have sent a letter or a radio message. He was being treated at a clinic which was in contact with Provincial Headquarters. Quite contrary to the submission by his representative, it is within our knowledge that it is accepted practice for the Province to pass such messages to employers. In our view there was an abdication by the applicant of his duty to advise his employer of his situation. The company could not be expected to keep his position open indefinitely, and was perfectly entitled to take the action it did. We dismiss the complaint.

There is a right of appeal, on a question of law only, within 14 days.

Issued to parties on 30 November 1990.

On behalf of the Panel

A handwritten signature in cursive script, appearing to read "Hugh Macleman". The signature is written in dark ink and is positioned above the printed name.

(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL