



## **Ex Tempore Decision**

**Title of Matter:** Suliasi Wasavu, Kelemete Raika, Epeli Tukuwasa,  
Jiuta Tokula, Waisea Ligalailai & Koroi Soloveni (Grievors)

v

Tosa Bussan (Fiji) Ltd (Employer)

**Section:** Section 211 *Employment Relations Act 2007*

**Subject:** Determination of grievances  
**Matter Number:** ERT GrievanceNos.102, 103, 104, 105, 106 & 107 of 2013



**Appearances:** Mr A Prakash, Attorney General's Chambers for the Official Receiver  
No Appearance by the Labour Officer

**Date of Hearing:** 28 November 2017  
**Before:** Mr Andrew J See, Resident Magistrate  
**Date of Decision:** 28 November 2017

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1. On the last occasion in which these matters were called, the Labour Officer was asked to consider the utility of pursuing the applications before the Tribunal, on the basis that the Respondent company had gone into liquidation and appeared to have no further funds to distribute. It is noted that the Labour Officer did not appear in proceedings today for that purpose.
2. In any event Mr Prakash on behalf of the Official Receiver in Liquidation, did enter an appearance to confirm that the company had no assets or any further monies for distribution in any event.
3. Given the nature of the case before the Tribunal, the Workers have nonetheless sought to vindicate their reputation against the allegations of any misconduct. There is no public benefit derived in hearing that issue.

4. In view of the above, the Tribunal has decided based on the special circumstances of this case, to terminate all grievances and to make no findings as to the substance of the allegations that were levelled against the Workers.
5. The Workers should be given the benefit of the presumption of innocence in the absence of any such findings to the contrary.
6. The matters in each instance are dismissed.



**Mr Andrew J See**  
**Resident Magistrate**