

TRADE DISPUTES PANEL, SOLOMON ISLANDS
Under the Unfair Dismissal Act 1982

UD/105/89

Between: JACKSON RAHOMAE Applicant
and: SOLOMON TAIYO LIMITED Respondent

Hearing at Honiara on 25 October 1990.

H Macleman
F Mahlon
J Adifaka

For the applicant: C Waiwori and G Suri, Solomon Islands National Union of Workers.

For the respondent: Leni, Personnel Officer

F I N D I N G S

Solomon Taiyo Limited employed Mr Jackson Rahemae as a trainee supervisor from 4 January 1986 until 27 September 1989. The company admitted dismissing him and so under sections 4 and 6(6) of the Unfair Dismissal Act 1982 had the burden of showing that the dismissal was for a substantial reason and that it acted reasonably in coming to the decision it did. However, the company's representative arrived late during the hearing and did not seek to ask any questions, offer any evidence or make any submission. We accepted the applicant's evidence and, the respondent not having even begun to satisfy the tests laid down in section 4, found the dismissal unfair. We assessed compensation at the equivalent of the redundancy payment to which the applicant would have been entitled, three months basic wage at \$128, and interest to date.

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

$$\begin{array}{rcll} 4.1.86 - 27.9.89 & = & 194 \text{ weeks} & \\ 194 \times \frac{1}{26} \times (128 \times 12 + 52) & = & \$220.40 & \\ 128 \times 3 & = & 384.00 & \\ & & \underline{\hspace{1cm}} & \\ & & \$604.40 & \\ & & \underline{\hspace{1cm}} & \end{array}$$

AWARD

The respondent unfairly dismissed the applicant and is to pay him compensation of \$604.40 plus interest at 15% per annum from 27 September 1989 until payment (payable immediately and recoverable as a debt under s. 10 of the Unfair Dismissal Act 1982).

EXPENSES

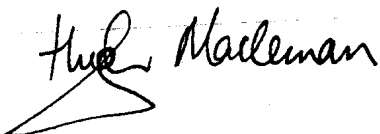
The Panel fixes a contribution of \$200 towards its expenses to be paid by the respondent to the Ministry of Commerce and Primary Industries within 14 days of this date.

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 appeal to the High Court: Unfair Dismissal Act 1982, s. 7(3).

Issued to parties 29 October 1990.

On behalf of the Panel.



(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL