

TRADE DISPUTES PANEL, SOLOMON ISLANDS

Under the Unfair Dismissal Act 1982

UD/95/89

Between: MESHACH TANGITHIA Applicant
and: ANALABS (S.I.) LIMITED Respondent

Hearing at Honiara on 6 November 1990 before:

H Macleman Chairman
F Mahlon Member
F Koraimae Member

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

For the respondent: G Anderson, Manager

F I N D I N G S

Analabs (S.I.) Limited employed Mr Meshach Tangithia from October 1986. The company produced a "first warning" dated 15 June 1988, for sleeping on duty on 14 June, and a "second warning" dated 20 September 1988, for an error in the work process, which concluded "one more written warning will result in your instant dismissal". There was evidence from another employee both of these incidents and the handing over of the written warnings. Mr G. Anderson, the manager who had subsequently taken over at the company, gave evidence of the applicant's frequent lateness in coming to and unexplained days of absence from work. Finally, he said, Tangithia had asked on Friday 28 July 1989 for the day off the following Monday. That had been granted, but he was told that if he failed to arrive promptly on Tuesday morning, he would be sacked. Tangithia turned up on the afternoon of Thursday 3 August and was told his employment was terminated.

The applicant's evidence about his employment history was confused and contradictory. He was unclear as to which, if any, written warnings he had received. At different times he denied the incidents, or sought to minimise them. He claimed that on the last occasion, he had gone home due to a family bereavement, had been held up due to transport difficulties, and had returned late on Tuesday, not Thursday.

We were not impressed by the applicant's evidence, and all areas of conflict we prefer the evidence for the respondent.

There have thus been proved both substantial reasons for dismissal and a proper procedure by way of clear warnings. The dismissal was amply justified and the complaint is dismissed.

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

This decision is issued in writing, as agreed by the parties at the hearing, on 8 November 1990.

On behalf of the Panel.

A handwritten signature in dark ink, appearing to read 'Hugh Macleman'. The signature is fluid and cursive, with a large initial 'H'.

(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL