



Decision

Title of Matter: Ratu Peni Sovasova (Grievor)
v
Naidu & Sons Egg Supplies Ltd (Employer)

Section: Section 211(1) *Employment Relations Act 2007*

Subject: Adjudication of Employment Grievance (Unjustifiably or unfairly dismissed)

Matter Number: ERT Grievance No 57 of 2017

Appearances: Mr K Tunidau appearing for the Worker
No appearance by the Employer

Date of Hearing: 27 June 2018

Before: Mr Andrew J See, Resident Magistrate

Date of Decision: 27 June 2018

KEYWORDS: Employment Relations Act 2007; Unjustifiably or unfairly dismissed;

Background

The matter has been previously called for hearing by the Tribunal on 6 March 2018, at which time the Respondent Employer did not attend.

The Employer has been previously contacted by this Tribunal and notified of the importance of attending today, in order that it could defend a claim of unjustifiable dismissal. Despite that there is again no appearance.

The Tribunal has heard that the Worker had been engaged with the employer for nine years. He was not provided any reasons for dismissal in writing as required by law, although believed that the dismissal came about because the Grievor refused to work roster arrangement that was proposed to him, of working 12 hours a day, for 7 days a week.

In the absence of any counter explanation, such a dismissal on that basis cannot be justified.

The Worker has advised the Tribunal that he found cane cutting working, some three months after his dismissal.

This three months loss of earnings is the loss that the Grievor has incurred and it would seem in the circumstances, it is a loss directly attributable to the conduct of the Employer.

The Tribunal has therefore approached the request for remedy in a manner akin to a request for summary judgment.

Decision

The Tribunal finds that the dismissal of the Grievor was unjustifiable and awards compensation in the amount of \$960.00 to be paid within 21 days hereof.



Mr Andrew J See
Resident Magistrate