

IN THE PUBLIC SERVICE DISCIPLINARY TRIBUNAL

AT SUVA

PSDT No. 02 of 2023

BETWEEN : **THE MINISTRY OF EMPLOYMENT, PRODUCTIVITY & INDUSTRIAL RELATIONS**

AND : **TALEI BOLETAWA**

Date of Hearing : 28 April 2023

Date of Ruling : 08 September 2023

Appearances : For the Ministry – Mr. S. Moce
For the Defendant – In Person

RULING

INTRODUCTION

1. On 28 April 2023 Ms. Talei Boletawa pleaded guilty before this Tribunal to a charge of Insubordination and Backdated Registration Forms for NEC applications to PALM scheme filed against her by the Ministry of Employment, Productivity & Industrial Relations (“Ministry”).
2. Ms. Boletawa has filed her written mitigation. The Ministry filed its response on 11 August 2023.

BACKGROUND

3. Ms. Boletawa has been employed with the National Employment Centre (“NEC”) for more than twelve years.
4. The NEC is part of the Ministry of Employment, Productivity & Industrial Relations (“Ministry”). It was established under the National Employment Centre Act 2009. A core function of the NEC is to connect job-seekers to employment opportunities. The NEC does this by *inter alia* facilitating programs to aimed at equipping people with grounding knowledge and skills for particular types of work. The NEC also coordinates the Pacific Australia Labour Mobility Scheme (PALM) in Fiji and runs related awareness programs.
5. Ms. Boletawa started as a Volunteer at the NEC. After two years as a Volunteer, she Boletawa was promoted to Data Entry Operator. In 2012, she was again elevated to the position of Customer Service Employment Officer.

MITIGATION

6. We have taken into account the following submitted by Ms. Boletawa in mitigation:
 - (a) her disciplinary record.
 - (b) she is thirty-two years of age and is married with three (3) children.
 - (c) she is very remorseful, as evidenced by her early guilty plea.
 - (d) she is the sole breadwinner in her family.

MINISTRY’S RESPONSE

7. We have also taken into account the following submissions by the Ministry:
 - (a) that Ms. Boletawa was issued a warning letter on 22 August 2022. This warning was in relation to an alleged act of insubordination on 17 August 2022. On that occasion, she had conducted an awareness program and worked overtime – without proper authority. Despite that warning letter, she had again, conducted an NEC awareness program in Nabua on 13 September 2022 at 7.00 p.m. without prior approval.

- (b) in October 2022, Ms. Boletawa received two applications under the PALM scheme. After receiving these, she then backdated the forms to February 2022. She then gave confirmation letters to the two applicants in question.
- (b) that Ms. Boletawa is a noted team player and a hardworking and committed worker
- (c) that Ms. Boletawa eagerly takes on extra responsibilities outside her normal responsibilities.
- (d) with proper guidance, she would improve.

COMMENTS

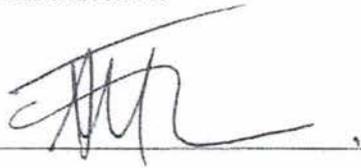
8. As a Customer Service Employment Officer, and a civil servant, Ms. Boletawa is accountable to the Code of Conduct in the Civil Service Act 1999. We note with concern that her actions in backdating the two PALM scheme applications (as noted above) involved dishonesty and unfairness. We understand that applications under the PALM scheme are assessed and processed strictly in the order in which they are received. What Ms. Boletawa did was to give the two applications an unfair precedence over those other applications that were submitted earlier and which were first in the queue and already awaiting assessment. She acted unfairly, and dishonestly.
9. Such conduct must not be taken lightly. They betray the core values in section 123 of the Constitution and the Code of Conduct in the Civil Service Act 1999. Ultimately, they undermine public confidence in the civil service.
10. Having said that, we do note that the Ministry (as per Director Corporate Services' Mr. Samuela Moce's submissions) recommends the following:
 - (a) that Ms. Boletawa be transferred to another Department (within the Ministry)
 - (b) that Ms. Boletawa be kept at bay from handling any NEC matters for a period of six (6) months.
 - (c) that Ms. Boletawa undergo further rehabilitation counselling and training.

CONCLUSION

- 11. While Ms. Boletawa's actions involved some unfairness and dishonesty, there is no suggestion that she did receive any benefit or advantage from her actions. The Ministry sees a lot of potential in Ms. Boletawa. She had volunteered at the NEC for two years before she was given a substantive positing. The comments from the Ministry suggest that Ms. Boletawa was enthusiastic about her work.

- 12. In that light, we agree with the Ministry's position that Ms. Boletawa be given an opportunity to improve and that she be counselled appropriately to understand the seriousness of her conduct, on the proviso that the same does not form part of the employment records of Ms Boletawa given that the Tribunal is of the view that the charges per se may have been defective.

Signed:



Mr. Anare Tuilevuka
[Chairman, Public Services Disciplinary Tribunal]

Date: 8/9/23

Signed:



Ms. Deepika Prakash
[Member, Public Services Disciplinary Tribunal]

Date: 8/9/23

Signed:



Mr. Jeremaia Savou
[Member, Public Services Disciplinary Tribunal]

Date: 8/9/23

Signed:

