

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

UD/122 and 123/89

Between: SOLOMON LOVE AND HENRY LAMANI Applicants  
and: SOLOMON AIRLINES Respondent

Consolidated hearing at Honiara on 6 November 1990 before:

H Macleman Chairman  
F Mahlon Member  
F Koraimae Member

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

For the respondent: J C Corrin, Barrister & Solicitor.

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F I N D I N G S

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Solomon Airlines employed Mr Solomon Love as Operations Controller and Mr Henry Lamani as Airport Supervisor, both at Henderson Airport.

On 13 December 1988 Mr Gus Kraus, the airline's Commercial Services Manager, issued a memorandum to all staff on the subject of public drinking which included the paragraph:-

"The fact is also that drinking in or around our terminals at out-ports and Honiara is liable to prosecution".

During the afternoon of Saturday 21 August 1989 Mr Kraus visited the terminal at Henderson. On opening the door of the Airport Manager's office he discovered Mr Lamani (acting Airport Manager at that time), Mr Love, and others, drinking beer.

The applicants did not deny drinking in the office. They had seen the memo on the notice board, and were aware that drinking was officially forbidden. They claimed not to know that a Civil Aviation Officer had been sacked several weeks earlier for drinking at the airport. They said that it was common practice for the Airport Manager, the Chief Pilot, and other pilots and senior staff to drink in the area where they were found.

On 21 August the applicants were called to head office, interviewed, and given to understand that management viewed the incident seriously. Later that day, management decided that it would be sufficient to issue written warnings.

The members of the Panel did not accept the applicants' evidence that drinking in the offices at the terminal was common practice for other senior staff. Even if it had been, that would do nothing to excuse the applicants' behaviour. They were sufficiently senior to know very well that others' misconduct would give them no excuse to follow suit. The respondent company was entitled to view drinking at the airport very seriously indeed, and if it was a common practice, that would make stern action even more necessary. In our view the applicants could count themselves somewhat fortunate to escape with a warning.

The applicants were drinking in the late afternoon and early evening of Monday 21 August, after work. They then travelled by company bus to the Yacht Club, where they, or one of their companions, purchased two more cartons of beer. The journey continued to Aruligo, where Love had a house. The bus returned to Henderson after midnight, taking also Love's wife and children.

The applicants made feeble efforts to dress this up as a trip necessary for attending to domestic emergencies faced by Love, which Lamani as Acting Airport Manager was in a position to authorise. We do not need to go into the detailed evidence surrounding this trip. It was quite plain to us that it was a drinking expedition for which there was not a shred of justification. When the employer heard of it, there was a rapid investigation, leading to the decision to summarily dismiss both applicants. Against the background of their recent warning, in our view, an employer could scarcely come to any other decision.

The only other point raised by the applicants was that another employee involved in both episodes was not dismissed. We were satisfied that he was in a junior position, his misdemeanours were not so serious, and the company was entitled to decide to impose lesser sanctions in his case. There is no basis for a sense of grievance in the different treatment he received.

The respondent has established both substantial reasons for dismissal, and that it acted reasonably in coming to its decision. The dismissals were fair. Both complaints are dismissed.

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

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

On behalf of the Panel

A handwritten signature in black ink, appearing to read "Hugh Macleman". The signature is fluid and cursive, with a large loop at the end.

(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL