

ANTIGUA AND BARBUDA
IN THE INDUSTRIAL COURT



REFERENCE NO. C/UD/43 of 2023

BETWEEN:

VALENCIA MARSHALL

Employee

and

THE ATTORNEY GENERAL OF ANTIGUA AND BARBUDA
MINISTRY OF HEALTH, SOCIAL TRANSFORMATION AND THE
ENVIRONMENT

Employer

Before:

The Hon. Samantha May- Francis

Vice President

The Hon. Dalmer A. McCoy

Member

The Hon. Collin R. Maynard

Member

Appearances:

Mr. Samuel James and Mr. Simon Leonard of Antigua & Barbuda Free Trade Union
Representatives for the Employee

Ms. Rose-Ann Kim, Crown Counsel of the Attorney General's Chambers for the
Employer

2024: May 9, 14
July 3
December 17

The Employee was dismissed for being involved in a physical altercation with a resident at the Institute. The Employer found the Employee to have engaged in misconduct by fighting. The Employee contends that she was acting in self-defence - Permanent Secretary purporting to dismiss the Employee - Whether dismissal was effective and unfair - Whether Employee entitled to reinstatement and compensation.

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JUDGMENT

May-Francis, VP

Introduction

1. The employment relationship between the parties began on July 20, 2015, when the Employee was assigned to the Fiennes Institute (Fiennes) as a Ward Assistant.

Fiennes provides a home for the aged and vulnerable in our society who cannot care for themselves independently.

2. As a Ward Assistant, the Employee provided general care and supervised the patients.
3. On February 5, 2021, the Employee and a patient, Mr. Vernon Browne, were involved in a violent physical altercation. Other employees separated them with difficulty. At the time of the altercation, the Security Officer on duty was not on the premises.
4. The Permanent Secretary in the Ministry of Health, Wellness, Social Transformation and the Environment, Mrs. Ena Dalso-Henry, was notified of the incident and subsequently attended the Institute.
5. The Police and the Emergency Medical Services were also called and attended the scene. As a result of the altercation, both the Employee and Mr. Browne received medical treatment at the Sir Lester Bird Mount Saint John's Medical Center for injuries sustained. Both were alleged to have been struck by the other with a piece of metal pipe that prominently featured in the melee.
6. The Employee alleged that on February 10, 2021, after being out sick due to injuries sustained, when she reported for duty, the Master of the Fiennes Institute, Mr. Edwards, informed her that she should go home until he contacted her.
7. Approximately one week later, on February 18, 2021, the Employee received a letter from the Permanent Secretary, Mrs. Ena Dalso—Henry, regarding the altercation between her and Mr. Browne. The letter also informed the Employee that she had been dismissed.
8. At the time of her dismissal, the Employee had been employed for six (6) years and seven (7) months and was earning \$2,118.92 in addition to \$350.00 per month for Risk Allowance.
9. Consequently, the Employee filed a Reference before this Court on June 6, 2023, seeking reinstatement to her employment. In the alternative, she claims to have been unfairly dismissed.

The Employee's Case

10. The Employee gave an account of how the altercation unfolded. She stated that on February 5, 2015, she was on duty in the company of Mrs. Bernadine Abbott, an Employee of the Fiennes, when she heard loud noises from the lower floor. Mrs. Abbott instructed her to investigate the source of the commotion. She heard and saw

Mr. Browne arguing with another patient. According to the Employee, Mr. Browne was irate and used profanity. He did not want the other patient who roomed with him to eat in their living quarters.

11. The Employee's evidence is that she instructed Mr. Browne to leave the other patient alone, which made Mr. Browne even angrier. He turned his attention to her and started cursing her out, using profanity and asking her why she even came down there.
12. At that time, she approached Mr. Browne's room; he wheeled his chair towards her and blocked the entryway. According to the Employee, Mr. Browne pushed the door towards her, catching her on the shoulder. Immediately after she saw Mr. Browne lifting an object in his hand, he swung it at her. It was a piece of metal pipe. She blocked the blow by holding onto the metal pipe. She was holding the pipe and trying to get it away from Mr. Browne. However, her finger had been injured when she attempted to block the impact from the pipe. They struggled a bit, but she could not hold on any longer. She let go of the pipe, causing Mr. Browne to fall backwards with the metal pipe in his hand. When he fell back, Mr. Browne hit his head, causing injury to himself.
13. Two other employees, Ward Assistant Mrs. Katherine Simon and Orderly Mr. Jade Jacobs, had to restrain Mr. Browne to remove the pipe from his hand.
14. The Employee's evidence is that Mr. Browne intended to cause her harm through his actions and threatening words.
15. Her evidence is that the Police who attended the Fiennes took a statement from her. The Employee confirms that Mr. Browne was taken to the hospital by ambulance, and she, too, attended the hospital for treatment.
16. According to the Employee, she sustained an injury to her finger and was given certified sick leave. Upon her return to work on February 10, 2021, the Master of Fiennes, Mr. Walton Edwards, requested a report from her, which she provided. He then instructed her to remain at home until he contacted her.
17. On February 18, 2021, she was dismissed.
18. During cross-examination, the Employee gave evidence that she had observed Mr. Browne's agitation. She intended to quell the dispute between Mr. Browne and his roommate when he violently assaulted her. Her evidence is that she did not anticipate that Mr. Browne would assault her.

The Employer's case

19. On February 5, 2021, Mrs. Dalso-Henry received a call advising that Mr. Browne had been injured by a Ward Assistant, the Employee herein, following an altercation.
20. Upon arrival, Mrs. Dalso-Henry was advised that Mr. Browne had received a head injury and that he would be taken to the hospital as a precaution.
21. Mrs. Dalso-Henry's evidence is that she talked with Mr. Browne before he was transported to the hospital. Mr. Browne confirmed that he had been engaged in a verbal dispute with his roommate. He informed Mrs. Dalso-Henry that the Employee came to the room and beat him with the metal pipe after he told her about an allegation that had been made against her concerning the theft of a DVD player. Her evidence is that Mr. Browne gave an account that another Ward Assistant and the Orderly also assisted the Employee in restraining him so that the Employee could beat him with the pipe.
22. Mrs. Dalso-Henry gave evidence that she immediately commissioned an investigation of the incident and, through Mr. Walton Edwards and requested reports from the witnesses.
23. Mrs. Dalso-Henry gave evidence that due to the COVID-19 Pandemic and the implemented protocols, she was restricted from carrying out any in-person investigation. She, therefore, relied on several reports received, including a report from Mr. Browne and the Employee.
24. Having considered the reports she received and considering Mr. Browne's disability being that he is a one-legged amputee, the type of injury Mr. Browne sustained, the medical record from the hospital and the duties and responsibility of the Employee, it was determined that the Employee had violently assaulted Mr. Browne.
25. As such, the Employee was dismissed on the instructions of the Minister of Health and Wellness.

The Main Issues

26. Having regard to the Memoranda, the main issues arising are:
 - (a) Did the Employee engage in gross misconduct?
 - (b) Was the Employee properly dismissed?
 - (c) Was that dismissal unfair?
 - (d) Is the Employee entitled to reinstatement and or compensation?

The Law

27. Section C 56 of the Antigua and Barbuda Labour Code (The Labour Code) establishes the statutory right of an employee not to be unfairly dismissed. It states:

"Every employee whose probationary period with an employer has ended shall have the right not to be unfairly dismissed by his employer; and no employer shall dismiss any such employee without just cause".

28. Section C 58 (1) of the Code states:

"A dismissal shall not be unfair if the reason assigned by the Employer therefor

- (a) relates to misconduct of the Employee on the job, within the limitations of section C 59 (1) and (2);**
- (b)**
- (c)**
- (d)**
- (e)**

Provided, however, that there is a factual basis for the assigned reason."

29. C 58 (2) states as follows:

"(2) The test, generally, for deciding whether or not a dismissal was unfair is whether or not, under the circumstances, the employer acted unreasonably or reasonably, but even though he acted reasonably, if he is mistaken as to the factual basis for the dismissal, the reasonableness of the dismissal shall be no defence, and the test shall be whether the actual circumstances which existed, if known to the employer, would have reasonably led to the employee's dismissal."

30. C 59 (1) states:

"An employer may terminate the employment of an employee where the Employee has been guilty of misconduct in or in relation to his employment so serious that the Employer cannot reasonably be expected to take any course other than termination. Such misconduct includes, but is not limited to situations in which the Employee has

- (a) conducted himself in such a manner that the employment relationship cannot reasonably be expected to continue;**
- (b) committed a criminal offence in the course of employment, without consent, express or implied, of the Employer; or**
- (c) behaved immorally in the course of his duties."**

31. C 59 (2) states:

"Where an employee is guilty of misconduct in or in relation to his employment that is not sufficiently serious to permit his Employer to terminate his employment under subsection (1) but is such that the Employer cannot reasonably be expected to tolerate a repetition, the Employer may give the Employee a written warning which shall describe the misconduct in respect of which the warning is given and state the action which the Employer intends to take in the event of

(a) a repetition of the misconduct; or

(b) the commission of another misconduct which is as serious as the one in respect of which the written warning was given.

32. Section 78 of the Constitution of Antigua and Barbuda Cap 23

(1) Where any Minister has been assigned responsibility for any department of government, he shall exercise direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary whose office shall be a public office.

33. Section 3 of the Civil Service Act Cap 87

3. (1) The several public offices in the public service First Schedule. from time to time set out in the First Schedule are deemed to constitute the Civil Service of Antigua and Barbuda, which is hereby established for the purposes of this Act. (2) A public officer who holds a public office in the public service that by subsection (1) is deemed to be an office in the Civil Service shall be referred to as a Civil Servant.

34. The Antigua and Labour Code Cap 27 defines an established worker as:

"non-established employee" means a person who is employed by the Government whose wage or salary is paid from or out of funds other than personal emoluments included in the Official Estimates of Antigua and Barbuda;

35. Section A 6(1) of the Labour Code provides:

A6. (1) To the extent that provisions of this Code apply to employers, they shall apply to all employers operating or doing business in Antigua and Barbuda, including the Government as the employers of its non-established employees, but they shall not bind the Government as the Employer of its other employees.

Witnesses

36. Apart from the evidence of the Employee and Mrs. Dalso Henry, there were two (2) other witnesses, Bernadine Abbott and Vernon Browne.

Bernadine Abbott

37. The Employee called Mrs. Bernadine Abbott as a witness. Mrs. Abbott confirmed that she instructed the Employee to see to the commotion involving Mr. Browne and the other patient. She said that Mrs. Simon was responsible for that area. However, Mrs. Simon arrived late, just as the employee had attended to the situation. Her evidence is that although senior to Employee, she kept her distance from the situation as Mr. Browne had in the past threatened to cause her serious harm and kill her.
38. She said she could hear the commotion from where she was. She heard Mr. Browne cursing the Employee and directing profanity at her. Her evidence is that when she moved closer to Mr. Browne's room, where she had visibility, she saw Mr. Browne standing; he was not in his wheelchair.
39. Mrs. Abbott stated that Mrs. Simon had also attended to the commotion and heard Mrs. Simon shouting to call the Police. She said she attempted to reach the Security Officer but could not find him, so she searched for the Orderly, Jade Jacobs, who was in the dining room to assist. Mrs. Abbott's evidence is that she contacted the Matron of the Fiennes and was instructed by her to call the Police. It was at that point she did so.
40. She did not see when Mr. Browne fell and hit his head. However, shortly after, she saw him wheeling himself towards the gate and heading for the outside.
41. The Police were called. She heard when Mr. Browne told the Police that the Employee and three other persons beat him up.
42. Her evidence is that the Employee asked her to provide a report, which she did and gave to the Employee. She confirmed that the only report she gave about the incident was attached to her witness statement.
43. Mrs. Abbott's evidence is that her purported report attached to the witness statement of Mrs. Dalso-Henry, although identical to the witness statement she had given to the Employee in terms of its contents, was not signed by her. She further gave evidence it was not until February 2024 that the Employer requested a report from her of the incident. Her evidence is that at no point did the Permanent Secretary, Mrs. Dalso-Henry, the Master, Mr. Edwards or the Matron speak to her concerning the incident.

Vernon Browne

44. Mr. Browne confirms that he had a dispute with his roommate. He said that he heard the Employee coming, and she said that he was there interfering with his roommate. His evidence is that he responded by telling her that he had nothing for her to steal, as it was alleged that the Employee had stolen a DVD from the Fiennes.

45. Mr. Browne stated that this made the Employee irate. His evidence is that she came to the room with a metal pipe in her hand and threatened to strike him with it, which she did. He said that Mrs. Simon encouraged the Employee and told her to hit him with the pipe, which she did.
46. His evidence is that the Employee struck him on the shoulder. He then tried to defend himself and attempted to grab another piece of metal pipe, which had been in his possession for over a year, for his safety. He said that the metal pipe was kept in his locker and that he had managed to grab it but denied swinging it at the Employee as he was struck on the back of his head. According to Mr. Browne, it was the blow to his head that caused him to fall from his wheelchair to the floor. He said Mrs. Simon and Mr. Jacob then restrained him while the Employee beat him with the metal pipe. He crawled on the ground and eventually got himself back in his wheelchair. He wheeled himself to the front desk to call the Police and ambulance but could not. According to Mr. Brown, Mrs. Abbott had taken the phone from the front desk, so he headed to the highway and got the assistance of a passerby
47. He confirmed that he reported his version of the incident to Mrs Dalso-Henry when she attended the Fiennes that day.
48. Regarding his injury, Mr. Browne's evidence is that he sustained injuries to his wrist and head.

Documentary Evidence

49. Several pieces of documentary evidence were admitted in this case. During Mrs. Dalso-Henry's cross-examination, some serious allegations against the Employer were made, challenging the authenticity of Mrs. Abbott's Witness Statement as exhibited by the Employer. Based on the questions posed to Mrs. Dalso-Henry, the Employee contended that the Employer falsified Mrs. Abbott's signature to support its defence that a proper investigation had been carried out.

Analysis

Did the Employee Engage in gross misconduct?

50. The evidence overwhelmingly showed an intense physical altercation between the Employee and Mr. Browne. The Employee claims she was acting in self-defence. The Employer, on the other hand, contends there was a fight. What then remains to be considered is whether the Employee responded reasonably or acted in self-defence, which would exonerate her of misconduct if established.

51. We examined the evidence of the witnesses. Mrs. Abbott, who we found to be a very credible witness, gave evidence of threats levied by Mr. Browne against her and other patients and his tendency to be loud, disrespectful and aggressive. Mr. Browne's evidence is that he had been feuding with his roommate and was upset at the time. We note that Mr. Browne stated in evidence that he had no prior issues with the Employee.
52. Mrs. Rose-Ann Kim, Learned Counsel, argued that it was not about who started the altercation and that the Employer's contention goes further than that. She submitted that the Employee's evidence that she acted in self-defence cannot avail her. The Employer argued that the Employee had observed that Mr. Browne was visibly agitated. Mr. Browne had wheeled his chair towards the Employee, blocking her from entering the room. By the time the Employee approached the door, Mr. Browne had violently pushed the door, and according to the Employee, the door hit her shoulder. The Employee then stated that she saw Mr. Browne pick up something. In the Employer's view, at that point, the Employee ought to have maintained a safe distance between her and Mr. Browne to avoid a physical altercation. In that regard, they contend that the Employee failed to respond reasonably.
53. Learned Counsel argued that the Employee ought to have walked away and gotten help to diffuse the hostile state of events that were unfolding. This, she contends, was the expected conduct.
54. The Employee, on the other hand, contends that matters unfolded quickly upon her arrival. Her evidence is that Mr. Browne assaulted her while she was still making enquiries. Though she knew Mr. Browne could be aggressive, she did not expect him to attack her with a metal pipe. She thought she could diffuse the situation by reassuring Mr. Browne that she would clean up any mess made by his roommate.
55. Having considered the evidence, we do not believe that the Employee approached Mr. Browne armed with a piece of metal pipe. There was no evidence of two pieces of iron or metal pipe. We believe that there was one piece of metal pipe, and the same was in Mr. Browne's hand. We believe that Mr. Browne attempted to strike the Employee. We believe the Employee held onto the metal pipe, and the struggle ensued to prevent Mr. Brown from hitting her.
56. We consider Mr. Browne's disability. Mr. Browne's evidence is that he can stand but not for long periods, and Mrs. Abbott's evidence is that she observed Mr. Browne standing. The evidence about whether he was standing or sitting when he fell was sketchy. However, what is clear is that there was a struggle between the Employee and Mr. Browne for the metal pipe.

57. The Employer relied heavily on the Medical Discharge Form, which states that Mr. Browne's injury is consistent with a blow to the head by a metal pipe. We have determined that the only metal pipe or pipe present was in Mr. Browne's hand. We reject Mr. Browne's evidence that the Employee was carrying a piece of metal pipe, which she used to strike him on the back of the head. We are inclined to believe that Mr. Browne fell and hit his head. After all, his evidence is that he had his piece of metal pipe in his hand when he was struck, and we have already concluded there was only one metal pipe.
58. The circumstances of this case are unfortunate; Mr. Browne sustained a serious injury, and in our view, the Employee also suffered an injury which, according to her medical discharge form, was consistent with her being hit with a piece of metal pipe. Mrs. Simon and Mr. Jacobs, who assisted in restraining Mr. Browne, were at risk of receiving severe injuries. It was most undoubtedly reasonable for Mr. Browne to be restrained and disarmed.
59. The evidence supports a finding that Mr. Browne was the aggressor. We are inclined to believe the Employee's evidence that Mr. Browne's swinging the pipe at her came quickly and unexpectedly. While it cannot be disputed that Mr. Browne sustained an injury, the Employer has not presented evidence that the Employee used excessive force beyond what was required to defend or protect herself and also to diffuse the violent altercation. Therefore, we cannot conclude that the Employee had engaged in serious misconduct.

Issue No. 2 - Was the dismissal proper?

60. Before considering whether the dismissal was fair, we examined whether the Employee was properly dismissed.
61. The Employee contended that Mrs. Dalso Henry had no legal authority to dismiss her. We reminded ourselves of the **High Court decision of Angelique Forde v Permanent Secretary, Ministry of Labour and National Security 2012/2009**. In that case, the Claimant alleged, among other things, that the Permanent Secretary had no legal authority to initiate disciplinary proceedings against her. The Learned Judge examined the facts and the contents of the letter, particularly the fact that the Permanent Secretary did not state that she was acting under the direction or authority of the Minister; there was no evidence that the Minister was aware of the Permanent Secretary's action. The letter merely indicated that it was copied to the Minister. Accordingly, in paragraphs 37 and 38, Learned Justice Remy concluded that the Permanent Secretary had no legal authority to dismiss the Employee.
62. An extract of the pertinent part of the dismissal letter in this Reference reads:

"Having consulted with the Honourable Minister of Health, Sir Molwyn Joseph, about your actions, I am advising you that you are hereby summarily dismissed from the government service as Ward Assistant, Fiennes Institute, with immediate effect.

53. Mrs Dalso-Henry signed the letter, and on its face, the same was copied to the Minister. Based on the contents of the letter, the following questions arise: Can it be construed that Mrs. Dalso-Henry was acting on the direction and authorisation of the Minister to dismiss the Employee? Is it sufficient for Mrs. Dalso-Henry to have stated that she consulted with the Honourable Minister? We believe that merely saying that consultation with the Minister had occurred is not evidence that the Honourable Minister decided, directed and instructed Mrs. Dalso-Henry, the Permanent Secretary to dismiss the Employee. Therefore, we are inclined to conclude that the Employee was not properly dismissed.

Issue 3- Was the Employee unfairly dismissed?

54. In its Memorandum, the Employer admitted to "summarily dismissing" the Employee; therefore, the burden is on it to prove that the dismissal was fair. Section C58 (1) of the Labour Code conditionally provides that misconduct may properly constitute a good cause for dismissal. The primary condition is that there must be a factual basis for that assigned reason. Moreover, the assignment of misconduct as a good cause for dismissal is subject to the limitations imposed by Section C58.

55. Accordingly, for the dismissal to be fair, the onus is on the Employer to prove: (a) it had just cause for the "dismissal" under section C58 (1) of the Labour Code in that it had reasonable grounds to believe based on its investigation that the Claimant had engaged in gross misconduct, and (b) it acted reasonably in dismissing the Employee in the particular circumstances prevailing at the material time.

56. Based on the evidence, we have already determined that the Employee did not engage in gross misconduct. In our view, the Employer has not met the burden of proving the factual basis for its conclusion.

57. Regarding the issue of reasonableness, the Employee contended that the Employer's investigation did not consider the longstanding complaints about Mr. Browne and his aggressive and disrespectful behaviour compared to the Employee's clean employment record and unblemished tenure.

58. She contended she was not given the benefit of a fair hearing. As advanced by the Employee through her Learned Representatives, we, too, had significant concerns with the allegations that the reports Mrs. Henry-Dalso stated she relied upon to issue the dismissal were not in her possession at the time of her dismissal.

69. We note, in particular, Mrs. Abbott's evidence that until February 2024, Mr. Edwards had not asked her for a report. Further, she was firm in her evidence that the signature on the report attached to Mrs. Dalso-Henry's witness statement was not hers. Mrs. Dalso-Henry's evidence is that she had all the witnesses' reports, including Mrs. Abbott's report, before issuing the dismissal. We note that the other witnesses who gave reports did not provide evidence. We also did not benefit from hearing from Mr. Edwards despite his presence in Court during the trial.
70. Ultimately, the Court allowed the Employer to produce the originals of all reports received before the Employee was dismissed. The Employer was unable to do so. In that regard, we are inclined to conclude that not only did the Employer fail to allow the Employee to be heard before her dismissal, offending the rules of natural justice, but we are also of the view that apart from the Employee's statement, perhaps the statement of Mr. Browne since it is undated and Mr. Browne's Patient Discharge Form from Sir Lester Bird Mount St. John's Medical Center, it is conceivable that the Employer did not have the statements of the other witnesses which it relied upon at trial on the date the Employee was dismissed.
71. Considering all the evidence, we conclude that the Employer acted unreasonably.

Issue No. 4- Is the Employee entitled to reinstatement and or compensation?

72. Learned Representative Mr. James argued that the Employee should be reinstated and compensated for her losses. He argued that this was particularly important as the Employee is a few years away from being entitled to her pension.
73. Regarding reinstatement, we paid particular attention to the time that has elapsed, approximately three (3) years since the Employee was dismissed. We also considered the actions of the Employee since her dismissal. She did not attempt to demonstrate that she still considered herself employed. In our view, the Employee accepted that she had been dismissed even though she was correct in her assertion that his termination was not on all fours with the law. We also considered the nature and purpose of the institution where Mr. Browne remains a patient and the nature and purpose of the Employee's duties. Therefore, despite our finding that the dismissal was unfair, it is not practicable for the Employee to be reinstated.
74. As to the Employee's claim for a pension, the Employee being a non-established worker and the Collective Agreement between the Antigua and Barbuda Trade and Labour Union, the Bargaining agent for non-established workers, we note Pension (non-Established Government Employees) Act Cap 210 Section 7 provides that a non-established worker who has worked an aggregate of ten (10) years may be granted a pension subject to the remaining provisions of the Act. With that in mind,

we considered Section 4 of the Act, which provides that no employee shall have the absolute right to a pension or gratuity payment. Additionally, we considered Section 5 of the Pension (Non-Established Government Employee) (Amendment) Act, 2019. In our view, whether the Employee is entitled to a pension rests entirely on the discretion of the Cabinet in the absence of a collective bargaining agreement setting out the Employee's absolute right to a pension or gratuity.

Compensation

75. The Employee having been unfairly dismissed and reinstatement not being practicable, we considered the following heads of compensation:

(a) Loss of Protection from Unfair Dismissal

The Employee worked for six (6) years and seven (7) months from July 20, 2015, until his dismissal, which we have determined to be February 18, 2021.

Accordingly, we award loss of protection equivalent to severance pay at one month per year for every year worked in the sum of \$13,949.56 (2,118.92 x 6.58).

(b) Notice Pay

We awarded the Employee \$2,118.92, one month's basic salary and allowances.

(c) Immediate Loss

This head is considered when an Employee who has been unfairly dismissed suffers a loss between the date of dismissal and the date of assessment of the loss, subject always to the Employee's duty to mitigate. The Employee gave evidence that immediately following her dismissal, she made applications to several establishments, including 1st Choice Supermarket, Dee's Service Station, Percival's Service Station, Mount St. John's Medical Center and Chase Supermarket. She eventually found work at a care home in Fitches Creek in July 2021, where she worked until sometime in 2022. She earned \$15.00 an hour. Her wages per week was between \$470.00 to \$540.00.

We accept the Employee's evidence that she was diligent in her search for employment and, therefore, award her four months' salary as and for an immediate loss in the sum of \$9,875.68 (\$2,468.92 x 4).

Order

76. In the premises, we order that:

i. The Employer shall pay compensation to the Employee for unfair dismissal in the aggregate sum of **\$29,944.16** comprised as follows:

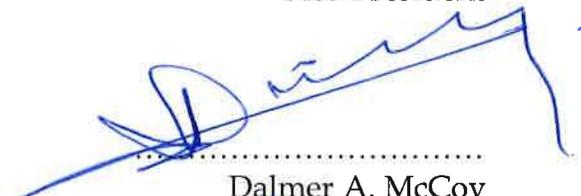
(a) Loss of Protection from Unfair Dismissal \$ 13,949.56

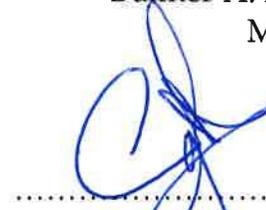
(b) Notice Pay	\$ 2,118.92
(c) Immediate Loss	\$ 9,875.68
TOTAL	\$ 29,944.16

- ii. The Employer shall pay the aggregate sum of **\$29,944.16** on or before January 31, 2025.

Dated this the 17th day of December, 2024


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Samartha May-Francis
Vice-President


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Dalmer A. McCoy
Member


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Collin R. Maynard
Member