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ANTIGUA & BARBUDA

IN THE INDUSTRIAL COURT

REFERENCE NO: 13 of 2003

BETWEEN:

ROMALIE CORNELIUS

Employee

and

**MINISTRY OF EDUCATION & TECHNOLOGY
THE ATTORNEY GENERAL OF ANTIGUA & BARBUDA**

Employer

Before:

**The Hon. Philip A. Pilgrim
The Hon. Althea Crick
The Hon. Samuel Aymer**

**President
Member
Member**

Appearances:

**Simon Rogers Murdoch for the Employees
Carla Brookes-Harris of the Solicitor General's
Chambers for the Employer.**

**2008: October 08, November 04 & 17,
December 08
2009: February 26**

JUDGMENT

PILGRIM P.:

BRIEF HISTORY

1. The facts which give rise to a determination of the sole issue before this court are not in dispute. By a letter of September 24, 1997, Ms. Romalie Cornelius (afterwards sometimes called "*the Employee*")

was appointed as an instructor at the Antigua State College. Her starting monthly salary was \$2,226.00.

2. The Employee's central duties included (a) keeping records of all enrolled students in the first and second year University of the West Indies programmes; (b) registration of students enrolled in various programmes; (c) keeping a record of the various courses offered and the number of students enrolled in each course; (d) distributing books to lecturers; (e) preparation of weekly non-established workers vouchers and cheques; (f) other duties.
3. The Employer by its letter of June 05, 2001 addressed to the Employee revoked her employment retroactively from May 31, 2001. The reason given for her termination was that (a) she did not possess the requisite qualifications to be an instructor at the Antigua State College; and (b) she never performed the duties of an Instructor. Instead of being employed as an Instructor she was offered temporary employment as a Typist II at a monthly salary of \$1,631.00, pending her submission to the Employer of certain evidence of her qualifications.
4. Both parties have agreed that the Employee was unfairly dismissed.

THE ISSUE

5. The sole issue to be determined is, having agreed by both Attorneys-at-Law for the Employee and the Employer that the Employee was

unfairly dismissed, what sum should be awarded to her for compensation.

6. This Court is very grateful for the Written Submissions of Carla Brookes-Harris of the Solicitor General's Chambers, Counsel for the Employer and Racquel A Walsh Silston of Simon Rogers Murdoch Attorneys-at-Law for the Employee. They have been of much assistance to this Court as it seeks to arrive at a sum which is fair to award the Employee.

THE AWARD

7. If an employee is held to be unfairly dismissed this Court has recognised certain categories under which he or she may be compensated. She is entitled to the following compensation.

(a) Basic Award for Loss of Protection

The Employee worked for the Ministry of Education Culture & Technology for 3 years and 9 months. The relevant monthly salary is \$2,226.00. She is entitled to $\$2,226 \times 3.75 \text{ years}$ or \$8,347.50

(b) Immediate Loss

The Employee accepted the new employment offered to her by the Ministry. One month's salary in the sum of \$2,226.00 is appropriate to award under this heading.

(c) Future Loss

The Employee suffered a monthly loss of \$595.00 being the difference between \$2,226.00 and \$1,631.00. A six month period less one month for the accelerated payment is awarded under this heading. This amounts to \$2,975.00.

(d) Vacation Pay

The Employee was entitled to 20 days vacation pay. The award under this heading is \$1,463.67.

TOTAL AWARD

8. The Employer shall pay to the Employee \$15,012.17 on or before March 31, 2009.
9. There shall be no order as to costs.

Dated the 26th day of February 2009.



PHILIP A. PILGRIM

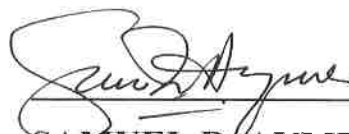
President

I agree



ALTHEA CRICK

I also agree


SAMUEL R. AYMER