



Record of members present and business transacted at meeting held on 4 January 2019 at 10:00am in the Commissions Secretariat Conference Room, Artemis House.

### **Members Present**

|                         |   |          |
|-------------------------|---|----------|
| Mr. Donovan Ebanks      | - | Chairman |
| Mrs. Vicki Hulse        | - | Member   |
| Mr. Colin Ross          | - | Member   |
| Mrs. Sheena Thompson    | - | Member   |
| Mrs. Stacey van Develde | - | Member   |

### **Apologies**

N/A

### **Others Present**

|                    |   |  |
|--------------------|---|--|
| Ms. Deborah Bodden | - | Manager, Commissions Secretariat                   |
| Legal Counsel      | - | Campbell's Law Firm (via tele-conference for part) |

### **Appeals**

- **Appeal 010/2018**

Members again considered the appeal form and supporting documents along with the additional submission made following the allowance of three weeks for the Appellant's legal representative to obtain disclosure from the respective Ministry. The Commission accepted the appeal for determination on the basis that the submissions may provide evidence that the Respondent acted unfairly and/or acted in a manner inconsistent with the requirements of Part VII of the PSML during the process in which the Appellant was dismissed. The Secretariat will now process the matter in accordance with the standard appeal process.

- **Appeal 011/2018**

Members considered the submissions of both parties and discussed the same with legal counsel over a conference call. Subsequent to those discussions Members agreed that the submissions evidenced that the Respondent acted in a manner which was unfair and inconsistent with the requirements of Part VII of the PSML during the process in which the Appellant was dismissed. However, having considered all of the submissions, the Commission was satisfied on the balance of probabilities that, had the requirements of Part VII of the PSML been complied with, the decision of the Respondent would not have been

any different. In addition, due to the unfair procedural irregularities, the Commission agreed that it was reasonable for the Appellant to instruct attorneys in this matter causing unnecessary expense. In the circumstances, and unusually, and as it has been offered by the Respondent's side in any event, the Commission agreed to award the Appellant 50% of her reasonable legal costs. An order will be made in these terms and the matter closed.

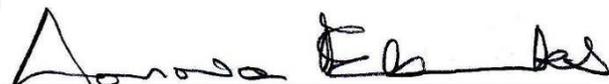
### Other Matters

#### Legislative Changes

Members discussed, during the tele-conference, the guidance prepared by legal counsel on the numerous matters which have given rise to queries of the sections of the PSML which govern the work of the Commission. The Secretariat will work with legal counsel to finalise the draft to move this matter forward.

#### Actions

- The Secretariat will prepare the correspondence to both the Respondent and the Appellant in relation to Appeal 010/2018.
- The Secretariat will work with legal counsel to prepare the correspondence and Order to the Appellant in relation to Appeal 011/2018.
- The Secretariat will seek assistance with finalising the drafting of the recommended legislative changes.



Donovan Ebanks

CHAIRMAN

CIVIL SERVICE APPEALS COMMISSION