

IN THE STATUTORY TRIBUNAL, FIJI ISLANDS
SITTING AS THE EMPLOYMENT RELATIONS TRIBUNAL



Ex Tempore Decision

Title of Matter: Labour Officer (on behalf of Hazrat Nabi) (Applicant)
v
Con-form Hardware Supplies Ltd (Respondent)

Section: Section 8 of the Workmen's Compensation Act, Cap 94.

Subject:

Matter Number: ERT Workmen's Compensation No 15 of 2017

Appearances: Ms M Faktaufon of Attorney General's Office, for the Applicant
Mr D Nair, for the Respondent

Date of Hearing: 7 February 2018.

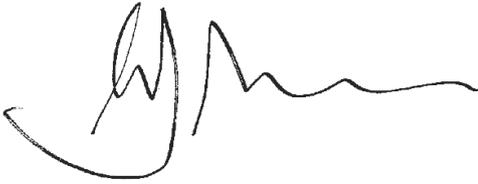
Before: Mr Andrew J See, Resident Magistrate

Date of Decision: 7 February 2018

1. On the basis that the Employer has no medical evidence to contradict the medical assessment that has been provided to the Labour Office that underpins its Demand Letter dated the 14th April 2015, the Tribunal is of the view that this matter should be determined by way of ordering that the Respondent Employer pay the calculated amount of \$1404.00, being compensation made available in accordance with Section 8 (1) (b) of the *Workmen's Compensation Act 1964*.
2. The reason for this is as follows. The Counsel for the Employer had conceded that the Worker had suffered the workplace injury as a result of undertaking his work in the course of his employment. The only challenge was to the quantum amount being sought. On the basis that the Employer can provide no counter medical evidence to suggest that the permanent impairment is other than as calculated at 4 %, the Tribunal finds that matter should be otherwise determined.
3. In relation to costs, the Tribunal has considered the submissions of the parties. What is being sought is \$600.00 for the witness expenses including labour cost of the medical expert Dr.

Tikoinayau and a further \$200.00 to meet the costs of the other witnesses who have attended the proceedings. The Tribunal will order \$150.00 for other witness expenses and \$600.00 for the attendance of the medical witness Dr Tikoinayau; making that a total of \$750.00 in costs to be paid.

4. Both amounts, the amount of \$1404.00 and the witness cost of \$750.00, are to be paid within 21 days hereof. A separate Order will be issued to that effect.



Mr Andrew J See
Resident Magistrate