



OFFICE OF THE OMBUDSMAN

PUBLIC REPORT

ON THE ALLEGED MAL- ADMINISTRATION BY THE VFSC IN THE RECRUITMENT PROCESS FOR THE POST OF SENIOR REGISTRATION OFFICER

Date: 06 April 2016



REPUBLIC OF VANUATU

80348/2016/01

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PUBLIC REPORT ON THE FAILURE TO PAY OVERTIME ENTITLEMENT BENEFIT FOR MR JOSEPH PAKOA BY THE DEPARTMENT OF HEALTH

PREAMBLE

So whatever you wish that others would do to you, do also to them, for this is the Law and the Prophets. Matthew 7:12

SUMMARY

The Ministry and Department of Health through their relevant officials are obliged to ensure all entitlements for every staff, both temporary and permanent are compensated for or fulfilled under section 26(1) of the Employment Act [CAP.160], section 4(1)(c) of the Public Service Act [CAP.246] and section 4.1 (c) & (d) of the 1998 Public Service Staff Manual at all times. This report outlines the failure of the responsible officers of the Department of Health to ensure Mr Joseph Pakoa's overtime entitlements were paid.

Outline of events (see further page 5)

Mr Joseph Pakoa was an employee of the Northern District Hospital from 1 June 1998 to 15 December 1998. During that period Mr Pakoa had been working during weekends and evenings relieving a driver of NDH, Mr Timothy Johnson who had been on sick leave for over four months. Mr Pakoa had completed an Overtime and Unsocial Hours Claim form and signed it with other relevant health officers of NDH, however to date his overtime entitlements were not processed by the relevant health officers and managers at the Department of Health, who have made no attempts to resolve Mr Pakoa's overtime entitlement claims.

Findings (see further page9)

- 1: The Ministry and Department of Health through their responsible Officers breached the Public Service Act, the Public Service Staff Manual and the Employment Act by not exercising diligence in arranging payment of overtime benefit for Mr Joseph Pakoa.
- 2: The responsible officers within the Ministry and Department of Health individually and or collectively breached the law by failing to properly advise and assist Mr Joseph Pakoa concerning his overtime entitlements in 1998.

Recommendations (see further page 9/10)

The Ombudsman recommends:

1. The Ministry and Department of Health ensure that Joseph Pakoa's overtime entitlement benefits dating back to 1998 are paid to him as soon as possible.

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2. That Ministry and Department of Health compensate Joseph Pakoa for his suffering and economic loss.
 3. That Ministry and Department of Health officers deal with claims of all its subordinate officers fairly, properly and diligently.
 4. That staff responsible for receiving incoming mails make sure that letters and documents received end up in the hands of the right recipients to avoid long delays as happened in Joseph Pakoa's case.
 5. That the PSC write warning letters of reprimand to all officers concerned for their inaction in Joseph Pakoa's case.

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1. JURISDICTION

- 1.1 The Constitution and the Ombudsman Act [CAP252] allow the Ombudsman to enquire into the conduct of government, related bodies, and Leaders. This includes the conduct of past and present senior health officials within the Department of Health serving in their respective professional capacities including,

- ✓ [as Acting General Services Manager at Northern District Hospital (N.D.H) (late Koko Karai);
- ✓ the Personnel Officer; Acting Manager Personnel (Mrs Liency Ala);
- ✓ former Acting Personnel Officer (Mrs Irene Titkek),
- ✓ former Senior Personnel Officer (Mrs Judith Melsul);
- ✓ Executive Officer (Mrs Jerollyn Tagaro);
- ✓ former Personnel & Appraisal Manager (Mrs Judith Melsul), and
- ✓ Acting Director (Jerollyn Tagaro)]

in dealing with the overtime entitlement benefit for Mr Joseph Pakoa as an employee at the N.D.H over a period from 1 June 1998 to 15 December 1998. The Ombudsman can also enquire into breaches of or defects in laws or administrative practices, including the Public Service Act, the Public Service Staff Manual and the Employment Act and or other legally established procedures administering all public agencies in the Republic of Vanuatu

2. PURPOSE, SCOPE AND METHOD OF INVESTIGATION

- 2.1 The purpose of this report is to present the Ombudsman's findings as required by the Constitution, the Ombudsman Act [CAP.252] and the Leadership Code Act [CAP.240].

2.2 The scope of this investigation is to determine:

- (a) the failure of the Ministry and Department of Health through its senior officials to pay Mr Joseph Pakoa's overtime entitlement benefit in December 1998 as provided for under section 4.1 of Chapter 4 of the Public Service Staff Manual;
- (b) whether the Ministry and Department of Health delay in paying Mr Pakoa's overtime entitlement benefit from 1 June 1998 to 15 December 1998, was proper or not ?

2.3 This Office collects information and documents by informal request, summons, letters, interviews and research.

3. RELEVANT LAWS

- 3.1 Relevant parts of the following laws are reproduced in **Applicable Laws Section.**

Constitution Article 62(2)

Ombudsman Act [CAP.252] s.11(1)

Employment Act [CAP.160] s.26(1)(c)

Section 44(1) (c) of the Public Service Act CAP 246.

Section 4.1 (c) & (d) of the 1998 Public Service Staff Manual.**4. OUTLINE OF EVENTS**

- 4.1 Mr Joseph Pakoa was an employee of the Northern District Hospital (N.D.H) in Luganville, Santo, from 1 June 1998 to 15 December 1998. According to a letter dated 9 March 1999 (copy attached as **APPENDIX A**) from the Executive Officer Mrs Jerollyn Tagaro to Mrs Judith Melsul as Senior Personnel Officer of the Ministry of Health, Mr Joseph Pakoa had *"been working during weekends and evenings relieving a driver/mechanic (Timothy Johnson) who has been on sick leave for about four months. He also relieved the other drivers who went on annual leave and sick leave. He was made redundant last December 1998 and his last working day was 15 December 1998. His total overtime hours for the period 1st June to December 1998 is 448 hours. Could you please arrange that the 448 hours overtime be paid to him as he has already been made redundant."*
- 4.2 On 26 July 2005 a PSC FORM 4-1 on Overtime and Unsocial Hours Claim Form specifying 448 hours overtime was signed by Mr Joseph Pakoa, Mr Koko Karai (now deceased) the then Manager of Northern District Hospital and Mrs Jerollyn Tagaro as Acting Director from the Office of the Director of Northern Health Care Group (**APPENDIX B**).
- 4.3 On 31 March 2000, the Acting General Services Manager, N.D.H, late Koko Karai sent a memorandum (copy enclosed as **APPENDIX C**) reminding the Personnel Officer in Port Vila about the overtime claim of Mr Joseph Pakoa and requesting its payment accordingly.
- (NOTE: Since his redundancy, Mr Pakoa has, from time to time, made verbal contact with Health officials and authorities at both the Northern District Hospital and Northern Health Care Group in Luganville requesting them to IMMEDIATELY execute the payment of his overtime entitlement benefit but to no avail).
- 4.4 On 8 September 2003 Mr Joseph Pakoa lodged a complaint to the Ombudsman Office in relation to the alleged negligence on the part of the Health officials in not paying his overtime entitlement benefit despite his numerous verbal reminders. To justify his claim for overtime work, Mr Pakoa produced copies of a letter dated 9 March 1999 (**APPENDIX A**). He then requested the Ombudsman to follow up on his case and ensure that the payment of his overtime entitlement benefit is executed forthwith.
- 4.5 On the 25th of November 2003 Mr Joseph Pakoa was informed by the Ombudsman's Office that the Ombudsman would be conducting an inquiry into his complaint.
- 4.6 On the 25th of November 2003 the Ombudsman wrote a letter to Mrs Judith Melsul then Personal Officer of the Department of Health and requested her to confirm if Mr Pakoa's claim was already forwarded to PSC for consideration and approval. Mrs Judith Melsul never responded to the Ombudsman's letter dated 25th of November 2003 and given the fact that she was being reminded twice to respond to our letter and she still failed to do so. As such, a Notice to

Witness (summons) was served for Mrs Judith Melsul to report to the Ombudsman's Office on the 28th of May 2004 in order to respond to the Ombudsman's queries as contained in his letter to her dated 25th of November 2003.

- 4.7 On the 28th of May 2004, Mrs Judith Melsul, as Personal Manager of the Ministry of Health then, appeared at the Ombudsman's Office subsequent to the summons. She confirmed to have received Mr Joseph Pakoa's application for overtime allowance sometimes in March 2000. And to the questions "*What actions have you taken to process payment of this allowance? Was the application forwarded to PSC for approval? Please provide the relevant documents to prove this*", Mrs Melsul responded that the payment of overtime entitlement benefit does not need to go to PSC for approval but can only be processed within the Department. However, she was not sure if this allowance was already paid for as she needed confirmation from the Accounts Section. But she knows that the matter was processed and forwarded to the Accounts Section for payment. The confirmation whether or not the payment was executed would only be relayed to this Office by Friday the following week upon her return from Santo.
- 4.8 On the 10th of December 2004 the investigating officer having carriage of this file spoke with late Koko Karai and requested Mr Karai to confirm if Mr Joseph Pakoa's overtime claims have been paid for. However, Mr Karai advised that Mr Pakoa had never completed an overtime form that would enable the accounts section of the Department of Health to process his payment.
- 4.9 On the 10th of December 2004 investigating officer having carriage of this file spoke with Jameson Mokoroi at the accounts section of the Department of Health. Mr Mokoroi confirmed not having seen any overtime claims for Mr Pakoa. He was only aware of a previous overtime claims for Mr Pakoa for the years 1996 and 1997 which were already paid for. But for his 1998 overtime claim, Mr Pakoa had not completed an overtime form.
- 4.10 On the 18th of March 2005, the Ombudsman interviewed Matron Rachel Kalmos from the Northern District Hospital on the overtime claim. However, she did not have Mr Pakoa's file in order to provide the Ombudsman with reliable information on the same.
- 4.11 On the 13th of July 2005, the Ombudsman wrote to the Manager of Northern District Hospital informing him of a roundtable discussion with Matron Rachel Kalmos on 15 March 2005. During that meeting, the Ombudsman did advise her to fill in the overtime and unsocial hours claim form (PSC Form 4-1) and write a covering letter to which copies of letters dated 9 March 1999 and 31 March 2000 were to be attached – those which were to be submitted to the Personnel Manager in Port Vila for payment.
- 4.12 On the 17th of October 2005, Mr Joseph Pakoa wrote to Mrs Lency Ala as Acting Personnel Manager of the Department of Health giving a 14 days' notice for his claim to be settled. A failure to do so would result in taking other course of actions (**Appendix D**)
- 4.13 On the 28th of November 2005, the Ombudsman spoke to Mr Joseph Cecil of the Northern District Hospital in relation to the claim. Mr Cecil called Mr Nick Tavoia of the Payments Section within the Department of Finance asking

- him whether or not the payment of Mr Pakoa's overtime claim was already executed. According to the information received from Mr Tavoia, Mrs Liency Ala had not forwarded the relevant documents to Finance Department for payment.
- 4.14 On the 8th of February 2006, the Ombudsman wrote to Mrs Liency Ala and requested her to confirm if Mr Pakoa's documents were sent to the Finance Department for payment. **(Appendix E)**
- 4.15 On the 8th of February 2006, the Ombudsman wrote to Mrs Irene Titek who was then the Acting Personnel Manager of the Ministry of Health requesting her to confirm if Mr Pakoa's documents were already sent to Finance Department for payment. **(Appendix F)**
- 4.16 On the 2nd of June 2006, the Ombudsman wrote to Mrs Jerollyn Tagaro of the Rural Health Department in Luganville, Santo requesting her to confirm if she did the calculation of Mr Pakoa's overtime claims. If "yes", how much was he entitled to receive for the 448 hours of overtime? **(Appendix G)**
- 4.17 On the 6th of June 2006, Mrs Jerollyn Tagaro wrote to the Ombudsman and indicated that the calculation of Mr Pakoa's overtime claims was done in the (Personnel Section) Human Resource Unit of the Health Department in Vila. She also enclosed relevant documentary evidence (letters and PSC Form 4-1) in support of Mr Pakoa's overtime claim – that which was already sent by the Acting General Services Manager for Northern District Hospital in March 2000. A copy of another reminding letter dated 16 September 2005 **(Appendix H)** was also adduced.
- 4.18 On the 7th of June 2006, the Ombudsman wrote to Mrs Irene Titek, Acting Personnel Manager of Ministry of Health requesting her to respond to his letter dated 8 February 2006 **(Appendix I)**
- 4.19 On the 7th of December 2007, the Ombudsman wrote to Mrs Irene Titek again requesting her to respond to his letter dated 8th of February 2007 **(Appendix J)**
- 4.20 On the 11th of March 2008, the Ombudsman wrote to Mrs Irene Titek who was then the Human Resource Manager of the Ministry of Health, and requested her to respond to the previous correspondences dated 8 February 2006 and 3 December 2007 **(Appendix K)**
- 4.21 On the 19th of January 2009, the Ombudsman sent another reminding letter to Mrs Irene Titek requesting her to respond to the letter dated 8 February 2006 **(Appendix L)**
- 4.22 On the 7th of July 2011, the Ombudsman wrote to Mrs Liency Ala, the Corporate Services Manager of the Department of Health requesting her to respond to the Ombudsman's letter to Mrs Irene Titke **(Appendix M)**
- 4.23 On the 20th of July 2011, the Acting Human Resource Manager Mrs Liency A Ala responded to an Ombudsman's queries dated 18 July 2011 regarding Mr Joseph Pakoa's entitlement benefit in the subsequent wordings: *"...we have no records whether it is paid or not or even any confirmation from Joseph whether he has received the payment or not. If the Officer is still complaining then we have to forward it to the Acting Hospital Manager, Northern Provincial Hospital, Luganville, Santo Gerolyn Tagaro to provide copies of those*

document to our office so that we can look into the matter again" (Appendix N)

- 4.24 As already mentioned above on 9th March 1999 Mrs Jerollyn Tagaro then Executive Officer Northern Province Health wrote to Mrs Judith Melsul, then Senior Personnel Officer (Appendix A), however, she failed to enclose the PSC Form 4-1 (Overtime Claim Form). In fact, it was only on 15 March 2005 during a round table discussion between an Ombudsperson and Matron Rachel Kalmos that the latter was requested to fill in the PSC Form 4-1 and send it to Port Vila for payment. Thus, on 26 July 2005 – some six (6) years and over three (3) months later – the prerequisite form (PSC Form 4-1) was filled in and signed (Appendix) by Mr Joseph Pakoa, Mr Koko Karai and Mrs Jerollyn Tagaro.

Consequently, the prerequisite form was sent on 16 September 2005 to the Acting Manager Personnel Mrs Liency Ala (Appendix H) by the Manager of Northern District Hospital late Koko Karai from the Northern Health Care Group Directorate. However, on 20 July 2011 the Acting Human Resource Manager Mrs Liency Q. Ala denied having in possession any records whether or not the payment was executed (Appendix N) and thus would still want copies of the relevant documents to be made available to her office so that they could look into the matter once again.

5. RESPONSES BY THOSE WITH FINDINGS AGAINST THEM

- 5.1 Before starting this enquiry, the Ombudsman notified all people or bodies complained of and gave them the right to reply. A working paper dated 9th February 2016 was also provided prior to preparation of this public report to give the individuals mentioned in this report another opportunity to respond to the issues and queries raised in this matter.
- 5.2 Responses were received from the following:
- **Mrs Liency Ala** responded to our working paper on the 30th of March 2016. According to her response, Mrs Ala stated that Mr Pakoa was only a relive driver for the Northern Provincial Hospital and the human resource section of the Ministry of Health has no records for his overtime documents. **(Appendix O)**
 - **No other response was received to the working paper.**

6. FINDINGS

- 6.1 Considering all the facts, response and issues set out in this report the Ombudsman makes the following findings:

- 6.1 Finding 1: That the Ministry and Department of Health in Luganville and Port Vila through their respective responsible Human Resource Officers breached Section 44(1)(c) of the Public Service Act [CAP.246], Section 4.1 (c) & (d) of the 1998 Public Service Staff Manual and Section 26(1)(c) of the Employment Act [CAP.160] by not exercising a duty of care in diligently arranging payment for the overtime

entitlement benefit for Mr Joseph Pakoa in December 1998.

- 6.2 Finding 2:** That the responsible officers then within the Ministry and Department of Health namely Mrs Jerollyn Tagaro (ongoing), Mrs Judith Melsul (former), Mrs Irene Titek (former) and Mrs Leincy Ala (ongoing) individually and or collectively:
- (i) failed to properly advise and assist Mr Joseph Pakoa on the prerequisite procedure in ensuring that his overtime entitlement benefits covering the period from 1 June 1998 to 15 December 1998 were immediately paid for;
 - (ii) continued to neglect their duties of care in assisting Mr Pakoa in filling in the appropriate form and recommending payment of the overtime benefit to the Finance Department;
 - (iii) breached Section 44(1)(c) of the Public Service Act, Section 4.1(c) & (d) of the Public Service Staff Manual and Section 26(1)(c) of the Employment Act in denying the payment of Mr Pakoa's overtime entitlement benefits from 1998 to the date of this report.

7. RECOMMENDATIONS

7.01 The Ombudsman recommends:

- 7.1 Recommendation 1:** That the Ministry and Department of Health ensure that Mr Joseph Pakoa's overtime entitlement benefits dating back to 1998 are paid for as soon as possible as a matter of fairness and justice and urgency.
- 7.2 Recommendation 2:** That the responsible Officers of the Ministry and Department of Health exercise due diligence and care in handling and dealing with the financial claims of subordinate officers to ensure that they do not suffer any unreasonable harm or loss, physically, mentally or economically.
- 7.3 Recommendation 3:** That in relation to Mr Pakoa the duty of care of the

employer (Ministry and Department of Health through their officials) to the employee (Pakoa) was breached, therefore, a legal obligation is placed upon the Ministry and Department to compensate Mr Pakoa for the harm he has suffered (18 year wait) or losses he has incurred (financial) over the years to date (15 December 1998 to the date of payment of entitlement).

7.3 Recommendation 4:

That staff of the Department of Health responsible for receiving incoming mails should at all material times make sure that the documents received and recorded end up in the hands of the proper recipients as identified on the envelopes – therefore, avoiding the likelihood of long delay in dealing with staff entitlements such as in Mr Pakoa's case.

7.4 Recommendation 5:

That the Public Service Commission must write warning letters of reprimand to Mrs Jerollyn Tagaro, Mrs Judith Melsul, Mrs Irene Titek and Mrs Liency Ala for failure to perform their respective duties diligently in dealing properly with the overtime allowance entitlement payment of Mr Pakoa to date.

Dated 30 December 2016



Kalkot MATASKELEKELE
OMBUDSMAN OF THE REPUBLIC OF VANUATU

INDEX OF APPENDICES

APPLICABLE LAWS

- A. Copy of letter dated 9 March 1999 from Mrs Jerollyn Tagaro to Mrs Judith Melsul
- B. Copy of PSC FORM4-1 on Overtime and Unsocial Hours Claim Form
- C. Copy of letter dated 31 March 2000
- D. Copy of letter dated 17 October 2005 from Mr Joseph Pakoa to Mrs Liency Ala
- E. Copy of letter dated 8 February 2006 from Ombudsman to Mrs Liency Ala
- F. Copy of letter dated 8 February 2006 from Ombudsman to Mrs Irene Titek
- G. Copy of letter dated 2 June 2006 from Ombudsman to Mrs Jerollyn Tagaro
- H. Copy of a reminding letter dated 16 September 2005
- I. Copy of letter dated 7 June 2006 from Ombudsman to Mrs Irene Titek
- J. Copy of letter dated 7 December 2007 from Ombudsman to Mrs Irene Titek
- K. Copy of letter dated 11 March 2008 from Ombudsman to Mrs Irene Titek
- L. Copy of letter dated 19 January 2009 from Ombudsman to Mrs Irene Titek
- M. Copy of letter dated 7 July 2011 from Ombudsman to Mrs Liency Ala
- N. Copy of letter dated 20 July 2011 from Mrs Liency Ala to the Ombudsman
- O. Copy of Mrs Liency Ala's reponse to the Ombudsman's Working Paper.

APPLICABLE LAWS

Article 62(2) of the Constitution

62(1) The Ombudsman may enquire into the conduct of any person or body to which this Article applies:

- (a) upon receiving a complaint from a member of the public (or, if for reasons of incapacity, from his representative or a member of his family) who claims to have been the victim of an injustice as a result of particular conduct;
- (b) at the request of a Minister, a member of Parliament, of the National Council of Chiefs or of a Local Government Council; or
- (c) of his own initiative.

(2) This Article shall apply to all public servants, public authorities and ministerial departments, with the exception of the President of the Republic, the Judicial Service Commission, the Supreme Court and other judicial bodies.

Section 11(1) of the Ombudsman Act 1998

11(1) The Ombudsman has the following functions:

- (a) to enquire into any conduct on the part of any government agency;
- (b) to enquire into any defects in any law or administrative practice appearing from any matter being enquired into;
- (c) to enquire into any case of an alleged or suspected discriminatory practice by a government agency;
- (d) in respect of conduct of a leader occurring on or before the 1st day of July 1998, to enquire into any case of alleged or suspected breach of Chapter 10 (Leadership Code) of the Constitution.

Section 26(1)(2) of the Employment Act

26(1) In respect of work carried out in excess of the normal hours of work mentioned in section 22(1) an employee shall be paid overtime at the following rates:

- (a) for work on public holidays or Sundays at a minimum rate equal to one-and-a-half times the normal hourly rate;
- (b) for work carried out in excess of the normal weekly hours of work:
 - (i) for the first 4 hours at a minimum rate equal to one-and-a-quarter times the normal rate;
 - (ii) in excess of 4 hours at a minimum rate equal to one-and-a-half times the normal hourly rate;
- (c) for work (other than work as a night watchman) carried out at night between 8 p.m. to 4 a.m. in excess of the normal weekly hours of work a minimum rate equal to one-and-three-quarter times the normal hourly rate.

26(2) Subsection (1) shall not apply to persons engaged in domestic service of the employer.

Section 44(1) (c) of the Public Service Act [CAP 246].

44(1)(c) Subject to the provisions of this Act and any regulations prescribed, the Commission may from time to time publish a Public Service Staff Manual to provide for:

- (a) eligibility for appointment to the Public Service;
- (b) procedure for such appointment (including probationary appointments and periods);
- (c) salaries, allowances and payments in respect of overtime.

Section 4.1 (c)(d) of the 1998 Public Service Staff Manual on overtime payment provides that "(c)

Toute réclamation de paiement d'heures supplémentaire doit être faite en utilisant le formulaire *paiement d'heures supplémentaires* (PSC FORM 4-1) approuvé par le supérieur direct de l'employé. Un employé peut seulement réclamer le paiement d'heures supplémentaires que si elles ont été demandées par son supérieur. Si le fonctionnaire travaille de son plein grés et sans l'accord de son supérieur, ces heures supplémentaires ne lui seront pas rétribuées

(d) Le formulaire de paiement d'heures supplémentaires doit ensuite être transmis au Directeur du supérieur. Pour minimiser l'abus d'heures supplémentaires, le Directeur devrait

APPLICABLE LAWS

s'entretenir de la réclamation avec le supérieur et la transmettre au Directeur pour accord et par la suite la faire parvenir à la Direction des Finances pur rétribution de l'employé".

[English version:

PSSM Chapter 4 Paragraph 4.1 (d):

"(d) All claims for overtime payments must be made using prescribed *Overtime Claim Form* (PSC FORM 4-1) and be endorsed by the staff member's immediate supervisor."]

Appendix A Page 1-1

THE GOVERNMENT OF THE REPUBLIC OF VANUATU
LE GOUVERNEMENT DE LA REPUBLIQUE DE VANUATU

NORTHERN DISTRICT HOSPITAL

Private Mail Bag 06
Luganville, Santo
Phone: 36345/36213



HOPITAL DU DISTRICT NORD

Sac Postal Privé 06
Luganville, Santo
Téléphone: 36345/36213

Your Ref:
Our Ref:

Date: 9 March 1999

Mrs Judith Melsul
Senior Personnel Officer
National Health Office
PORT VILA

RE: OVERTIME CLAIM - JOSEPH PAKOA

Please note that the above officer has since 1st June 1998 been working during weekends and evening relieving a driver/mechanic (Timothy Johnson) who has been on sick leave for about four months. He also relieved the other drivers who went on annual leave and sick leave. He was made redundant last December 1998 and his last working day was 15 December 1998.

His total overtime hours for the period 1st June to 15 December 1998 is 448 hours.

Could you please arrange that the 448 hours overtime be paid to him as he has already been made redundant.

Thank you for continuous support and cooperation.


Jerolyn Tagaro (Mrs)
Executive Officer



cc: TSU
Joseph Pakoa
File

07.06.06

GOUVERNEMENT
DE LA
REPUBLIQUE DE VANUATU
MINISTERE DE LA SANTE



GOVERNMENT
OF THE
REPUBLIC OF VANUATU
MINISTRY OF HEALTH

NORTHERN HEALTH CARE GROUP DIRECTORATE

P.O. BOX 76, Luganville, Santo, Vanuatu

Our Ref: NHCG JP/8/1/1-jt

Date: 6th June 2006

Mr Alain MOLGOS
Officer In-Charge, Luganville Branch
Office of the Ombudsman
SANTO

Dear Mr Molgos,

Re: Failure To Pay Mr Joseph Pakoa's Entitlement

Thank you for your letter dated 2nd June 2006, ref: S0119/3139/L04/jt which we received today 6th June 2006.

Here are some of the answers to your enquiry.

1. No. The calculation for overtime are done in the (Personnel Section) Human Resource Unit of the Health department in Vila.
2. The Human Resource Unit will answer this.
3. None
4. -
5. The overtime claim was sent by the then Acting General Services Manager for Northern District Hospital in March 2000.
6. -
7. Attached are copies of overtime claim (PSC Form 4-1) and the last correspondence from the Acting Manager for Northern District Hospital to the Acting Manager for Personnel on 16 September 2005.

Thank you

Jeroline Lagaro
Executive Director
Northern Health Care Group



PSC FORM 4-1

OVERTIME AND UNSOCIAL HOURS CLAIM FORM

Overtime/Unsocial Hours Claim for the Month of/Heures anormales mois de:					
Name: <u>DEP LAKA</u>			Department of Finance Use		
Department: <u>NORTH DISTRICT HOSPITAL</u>			Date Received:		
Payroll No:			Date Paid:		
Rate 1 - Unsociable Hours x 0.25 (b):			Checked By		Approved By
Rate 2 - Overtime hours x 1.25 (d):					
<small>(In hours and part hours to the nearest quarter of an hour) Part hours are expressed in decimals eg. 1 1/4 = 0.25 2 1/4 = 2.50 and 2 1/2 = 2.75</small>					
<small>NOTE: - Unsociable hours (Column (b)) means: 1800 hrs to 06.00 hrs Monday to Friday and any hours worked on Saturday, Sunday and Public Holidays.</small>					
Date	Day of Week	Start and Finish Time	Hours Worked		
			(a) In Normal Hours	(b) In Unsociable Hours	(c) Total hours Worked (a) + (b)
1	6-8-98	14.30 To 15.30			2
2					
3	19-3-98	16.30 To 9.15			5
4					
5					
6	21-3-98	11.30 To 13.30 - 4.30 To 6.30			4
7					
8	12-0-98	11.30 To 13.30 - 4.30 To 6.30			4
9					
10	13-4-98	11.30 To 13.30 - 4.30 To 6.30			4
11					
12					
13	6-7-98	7h15 To 7h15am 7-7-98			12
14					
15	7-7-98	7h15 To 7h15am 10-7-98			12
16					
17	10-7-98	7h15 To 7h15am 10-7-98			12
18					
19	11-7-98	7h15 to 7h15am 11-7-98			12
20					
21	18-7-98	7h15 To 7h15am 21-7-98			12
22					
23	21-7-98	7h15 To 7h15am (22-7-98)			12
24					
25	24-7-98	7h15 To 7h15am 25-7-98			12
26					
27	27-7-98	7h15 To 7h15am 28-7-98			12
28					
29	30-7-98	7h15 To 7h15am (31-7-98)			12
30					
31					
Total Hours Worked in Month			(a)	(b)	(c)

FORM 4-1

NOTE

Staff who are employed on regular alternating or regular rotating night shifts and are in receipt of a Shiftwork Allowance are not entitled to unsocial hours payments for any standard hours worked i.e. within the first 7 1/4 hours each day of the shift.




If employed on a regular rotating or regular rotating night shift, please specify the start and finish times of the shift's worked this month and the applicable dates:			
Start:	Finish:	Dates: From:	To:
Start:	Finish:	Dates: From:	To:
Start:	Finish:	Dates: From:	To:

CALCULATION OF OVERTIME HOURS DUE TO BE PAID

Total Hours Worked (c)

Less Standard Hours for month (no of working days x 7 1/4)

Overtime Hours Due (d)

SIGNATURES		NAME	
STAFF MEMBER:		NAME:	Joseph Dillon
DATE:			
SUPERVISOR:		NAME:	
DATE:			
MANAGER:		NAME:	Koko Karan
DATE:			
DIRECTOR:		NAME:	GEROLYN TAGARD
DATE:			



PSC FORM 4-1

NOTE

Staff who are employed on regular alternating or regular rotating night shifts and are in receipt of a Shiftwork Allowance are not entitled to unsocial hours payments for any standard hours worked i.e. within the first 7 ¼ hours each day of the shift.





If employed on a regular rotating or regular rotating night shift, please specify the start and finish times of the shift/s worked this month and the applicable dates:			
Start:	Finish:	Dates: From:	To:
Start:	Finish:	Dates: From:	To:
Start:	Finish:	Dates: From:	To:

CALCULATION OF OVERTIME HOURS DUE TO BE PAID

Total Hours Worked (c)

Less Standard Hours for month (no of working days x 7 ¼)

Overtime Hours Due (d)

SIGNATURES	NAME
STAFF MEMBER: 	NAME: Joseph Parker
DATE:	
SUPERVISOR: 	NAME:
DATE:	
MANAGER: 	NAME: Koko Kageri
DATE:	
DIRECTOR: 	NAME: CHEROLYN TABARO
DATE:	



THE GOVERNMENT OF THE REPUBLIC OF VANUATU
LE GOUVERNEMENT DE LA REPUBLIQUE DE VANUATU

NORTHERN DISTRICT HOSPITAL

Private Mail Bag 06
Luganville, Santo
Phone: 36345/36213



HOPITAL DU DISTRICT NORD

Sac Postal Privé 06
Luganville, Santo
Téléphone: 36345/36213

Your Ref:
Our Ref:

Date 9 March 1999

Mrs Judith Melsul
Senior Personnel Officer
National Health Office
PORT VILA

RE: OVERTIME CLAIM - JOSEPH PAKOA

Please note that the above officer has since 1st June 1998 been working during weekends and evening relieving a driver/mechanic (Timothy Johnson) who has been on sick leave for about four months. He also relieved the other drivers who went on annual leave and sick leave. He was made redundant last December 1998 and his last working day was 15 December 1998.

His total overtime hours for the period 1st June to 15 December 1998 is 448 hours.

Could you please arrange that the 448 hours overtime be paid to him as he has already been made redundant.

Thank you for continuous support and cooperation.



Jerolyn Tagaro (Mrs)
Executive Officer



cc: TSU
Joseph Pakoa
File

RENT
PUBLIQUE
VANUATU



GOVERNMENT
OF THE REPUBLIC
OF VANUATU

MEMORANDUM

Ref: N.H.G. 2000/PF/IP/KK/m

Date: 31st March 2000

To: The Act. Gen. Services Manager, N.D.H.

The Personnel Officer
National Health Office
P.M.B. 009
PORT VILA

Re: Overtime Claim - Joseph Pakoa

Enclosed herewith a copy of Jerolyn T.'s letter pertaining the above same item being for Mr. Joseph P.
copy of his overtime claimed is attached for your attention.

Will you please arrange for the matter be paid accordingly.

Thank you for your attention.

K. Karai

Act. Gen. Services Manager, N.D.H.



Public Service Department, Vila

Mr. Joseph Pakoa, N.D.H.

File

Mr. Joseph Pakoa.
Pepsi Area,
Luganville,
Santo.

17th October 2005.

Mrs Lency Ala
Acting Personnel Manager,
George Bompidou,
PMB 9009,
Port Vila.

13th May 2004

Dear Sir,

Re: OVERTIME CLAIM.

The above subject hereby refers.

I wish to write referring to my above claim. I am a former employee of the NDH in which I had some claim to be paid, but was never received it to date.

Therefore, I wish to inform you that I am giving you fourteen (14) days notice effective from today's date to settle my claim. May I remind you that failure to doing so, will result in my taking other cause of action.

I thank you for your understanding and looking forward for to an amicable respond.
Yours Faithfully,



Joseph Pakoa.
Santo.

Cc: DG- NDH.
: Director - NHCG.
: Manager - NDH.
: Ombudsman.
: Executive Officer- NHC.



Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: S0027/3139/L04/a

(Please quote this reference in all correspondence)

8 February 2006

Mrs Liency Ala
Acting Personnel Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam:

FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

We refer to the above matter which is the subject of our inquiry. It is alleged that:

On 1st June 1998, Mr Joseph Pakoa was working during weekends and evening, relieving a driver/mechanic (Timothy Johnston) who was on sick leave for about four months. Mr Pakoa was made redundant on December 1998 and his last working day was 15th December 1998. He complained that during this period, 1st June - 15 December 1998, he was never paid for his claimed overtime.

Following the roundtable discussion at Northern District Hospital on 15th March 2005 with Matron Rachel Kaimos on the above matter, we advised her to fill in the overtime and unsocial hours claim form (PSC Form 4.1) for Mr Joseph Pakoa and to write a covering letter with copies of letters dated 9th March 1999 and 31st March 2000 (copies enclosed) to be submitted to the Personnel Manager in Port Vila for payment. Mrs Rachel Kaimos was acting Manager of Northern District Hospital at that material time.

To assist this office in the above investigation, we request that you provide the following information and documents to our office **before 27th February 2006**.

1. Please confirm if you had already send Mr Pakoa's documents to Finance Department for payment?
2. If not, why not?
3. If yes, when?
4. Any documents you consider relevant to this matter.

If you do not respond to this request, this Office can issue a Notice compelling you to come to the Office to give evidence and to provide the required information and documents, however we prefer to work co-operatively wherever possible.

Warning: Inquiries by the Ombudsman are confidential until a public report is made. The Act says that you cannot discuss this investigation, this letter, or any other

Information that comes from the Office of the Ombudsman, except with your lawyer or as required by law. The penalty for breaking this law is 6 months in jail or a fine of VT 100,000 or both.

Thank you in advance for your assistance in this matter.

Yours sincerely



Alain Molgos
Officer-in-charge, Luganville Branch
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU

Enclosures: Copy of letter dated 9th March 1999
Copy of letter dated 31st March 2000

THE GOVERNMENT OF THE REPUBLIC OF VANUATU
LE GOUVERNEMENT DE LA REPUBLIQUE DE VANUATU

NORTHERN DISTRICT HOSPITAL

Private Mail Bag 06
Luganville, Santo
Phone: 36345/36213



HOPITAL DU DISTRICT NORD

Sac Postal Privé 06
Luganville, Santo
Téléphone: 36345/36213

Your Ref: _____

Our Ref: _____

Date 9 March 1999

Mrs Judith Melsul
Senior Personnel Officer
National Health Office
PORT VILA

RE: OVERTIME CLAIM - JOSEPH PAKOA

Please note that the above officer has since 1st June 1998 been working during weekends and evening relieving a driver/mechanic (Timothy Johnson) who has been on sick leave for about four months. He also relieved the other drivers who went on annual leave and sick leave. He was made redundant last December 1998 and his last working day was 15 December 1998.

His total overtime hours for the period 1st June to 15 December 1998 is 448 hours.

Could you please arrange that the 448 hours overtime be paid to him as he has already been made redundant.

Thank you for continuous support and cooperation.



Jerolyn Tagaro (Mr)
Executive Officer



cc: TSU

: Joseph Pakoa
: File

GOUVERNEMENT
DE LA REPUBLIQUE
DE VANUATU



GOVERNMENT
OF THE REPUBLIC
OF VANUATU

MEMORANDUM

Our Ref: N.H.G. 2000/PF/IP/KK/rm

Date: 31st March 2000

From: The Act. Gen. Services Manager, N.D.H.

To: The Personnel Officer
National Health Office
P.M.B. 009
PORT VILA

Re: Overtime Claim – Joseph Pakoa

Attached herewith a copy of Jerolyn T.'s letter pertaining the above same item being for Mr. Joseph P. A copy of his overtime claimed is attached for your attention.

Could you please arrange for the matter be paid accordingly.

Thank you for your attention.

Karai Karai

A Gen. Services Manager, N.D.H.

Cc: Public Service Department, Vila
Mr. Joseph Pakoa, N.D.H.
File





Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: S0088/3139/L04/0

(Please quote this reference in all correspondence)

6 February 2006

Mrs Irene Titek
Acting Personnel Manager
Ministry of Health
PMB 5005
PORT VILA

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

We refer to the above matter which is the subject of our inquiry. It is alleged that:

On 1st June 1998, Mr Joseph Pakoa was working during weekends and evening, relieving a drivesmechanic (Timothy Johnson) who was on sick leave for about four months. Mr Pakoa was made redundant on December 1998 and his last working day was 15th December 1998. He complained that during this period, 1st June – 15 December 1998, he was never paid for his claimed overtime.

Following the roundtable discussion at Northern District Hospital on 15th March 2005 with Matron Rachel Kalmos on the above matter, we advised her to fill in the overtime and unsocial hours claim form (PSC Form 4.1) for Mr Joseph Pakoa and to write a covering letter with copies of letters dated 9th March 1999 and 31st March 2000 to be submitted to the Personnel Manager in Port Vila for payment. Mrs Rachel Kalmos was acting Manager of Northern District Hospital at that material time.

To assist this office in the above investigation, we request that you provide the following information and documents to our office **before 14th April 2006**.

1. Please confirm if Mr Pakoa's documents were already sent to Finance Department for payment?
2. Copies of such documents would be appreciated.
3. If not, why not?
4. If yes, when?
5. Did you crosscheck whether or not the calculation as executed by Mrs Liency Ala was properly made?
6. If yes, what were your findings?
7. If the calculation was not correct, did you provide amendments or corrections?

First Floor, Luganville Commercial House PO Box 378, Luganville, Santo, Vanuatu
Tel: +678 36364 Fax: +678 36354 Email: ombudluganville@vanuatu.com.vu

Under this Code 1000/000

Appendix F Page 2 of 2

Warning: Inquiries by the Ombudsman are confidential until a public report is made. The Act says that you cannot discuss this investigation, this letter, or any other information that comes from the Office of the Ombudsman, except with your lawyer or as required by law. The penalty for breaking this law is 6 months in jail or a fine of Vt 100,000 or both.

Thank you in advance for your assistance in this matter.

Yours sincerely,



Alain MOLGOS

Officer-in-charge, Luganville Branch

For: Peter TAURAKOTO

OMBUDSMAN OF THE REPUBLIC OF VANUATU

Enclosure: Copy of letter dated 9 March 1999



Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: S0119/3139/L04/jt

(Please quote this reference in all correspondence)

2 June 2006

Mrs Jerollyn Tagaro
Rural Health Dept.
Luganville
SANTO

Dear Madam

FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENT

We refer to the above matter which is the subject of our inquiry. It is alleged that:

- On 1st June 1998, Mr Joseph Pakoa was working during week-ends and evening relieving a driver/mechanic (Timothy Johnson) who was on sick leave for about four months. Mr Pakoa was made redundant on December 1998 and his last working day was on 15th December 1998. He complained that during this period, 1st June – 15th December 1998, he was never paid for his claimed overtime.

In your letter dated 9 March 1999 to Mrs Judith Melsul (copy enclosed), you mentioned that "his total overtime hours for the period 1st June to 15 December 1998 is 448 hours".

To assist this office in this enquiry, we request that you forward the following documents and information along with your response **before 9th June 2006**:

1. Did you do the calculation of Mr Pakoa's overtime claims?
2. If yes, how much is he entitled to receive for the 448 hours?
3. Copies of such document would be appreciated.
4. If no, why not?
5. Did you send the overtime claims to the Personnel Manager for payment?
6. If no, why not?
7. Any other documents or information that you consider relevant to this matter.

If you do not respond to this request, this Office can issue a Notice compelling you to come to the Office to give evidence and to provide the required information and documentation, however we prefer to work co-operatively wherever possible.

Appendix G Page 2 of 3

[Warning: Inquiries by the Ombudsman are confidential until a public report is made. *The Act says that you cannot discuss this investigation, this letter, or any other information that comes from the Office of the Ombudsman, except with your lawyer or as required by law. The penalty for breaking this law is 6 months in jail or a fine of Vt 100,000 or both.*

Thank you in advance for your assistance in this matter.

Yours sincerely



Alain MOLGOS
Officer-in-charge, Luganville Branch
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU

Enclosure: Copy of letter dated 9 March 1999

THE GOVERNMENT OF THE REPUBLIC OF VANUATU
LE GOUVERNEMENT DE LA REPUBLIQUE DE VANUATU

NORTHERN DISTRICT HOSPITAL

Private Mail Bag 06
Luganville, Santo
Phone: 36345/36213



HOPITAL DU DISTRICT NORD

Sac Postal Privé 06
Luganville, Santo
Téléphone: 36345/36213

Your Ref:
Our Ref:

Date: 9 March 1999

Mrs Judith Melsul
Senior Personnel Officer
National Health Office
PORT VILA

RE: OVERTIME CLAIM - JOSEPH PAKOA

Please note that the above officer has since 1st June 1998 been working during weekends and evening relieving a driver/mechanic (Timothy Johnson) who has been on sick leave for about four months. He also relieved the other drivers who went on annual leave and sick leave. He was made redundant last December 1998 and his last working day was 15 December 1998.

His total overtime hours for the period 1st June to 15 December 1998 is 448 hours.

Could you please arrange that the 448 hours overtime be paid to him as he has already been made redundant.

Thank you for continuous support and cooperation.


Jerolyn Tagaro (Mrs)
Executive Officer



cc: TSU
: Joseph Pakoa
: File

GOVERNMENT OF THE
REPUBLIC OF VANUATU
MINISTRY OF HEALTH



GOUVERNEMENT DE LA
REPUBLIQUE DE VANUATU
MINISTÈRE DE LA
SANTÉ

Northern Health Care Group Directorate
Directorat de la zone de Santé Nord

Northern District Hospital
Hôpital de la Région Nord

Our Ref: NDH/1/5/kk

Date: 16th September 05

Your Ref:

From: The Acting Manager
Northern District Hospital

To: Acting Manager Personnel
Mrs. Liency Ala

Re: Overtime Claim – Mr. Joseph Pakoa, Former NDH Employee.

Find herewith recopied of the above being for Mr. Pakoa's accumulated longstanding overtime claims and the correspondences attached for your attention.

Appreciate his claims be arranged without further delay.

Thank you.

Koko KARAI M.M.G.
Northern District Hospital

Copy: Director NHCG
: Salary Section, MOF
: Mr. Pakoa Joseph
: File

Northern District Hospital/Hôpital de la Région Nord, PMB 06, Luganville Santo, Vanuatu
Telephone: (678) 36345 Fax: (678) 36213



Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: S0128/3139/L04/it

(Please quote this reference in all correspondence)

7 June 2006

Mrs Irene Titek
Acting Personnel Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

In our letter dated 8 February 2006 (copy enclosed), we asked you for particular information and/or documents in connection with our enquiry into this matter. Our records show that we have not yet received your response to that request.

Please respond to our request before **4.00pm on 20 June 2006**. If you do not produce the required documents and information in response to this letter, we will issue a Notice under the Ombudsman Act compelling you to give evidence and produce the documents and information.

Warning: Inquiries by the Ombudsman are confidential until a public report is made. *The Act says that you cannot discuss this investigation, this letter, or any other information that comes from the Office of the Ombudsman, except with your lawyer or as required by law. The penalty for breaking this law is 6 months in jail or a fine of Vt 100,000 or both.*

We look forward to hearing from you.

Yours sincerely

Alain Molgos
Officer-in-charge, Luganville Branch
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU

Encl. letter dated 8.02.06



Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: S0088/3139/L04/lt

(Please quote this reference in all correspondence)

8 February 2006

Mrs Irene Titek
Acting Personnel Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

We refer to the above matter which is the subject of our inquiry. It is alleged that:

On 1st June 1998, Mr Joseph Pakoa was working during weekends and evening relieving a driver/mechanic (Timothy Johnson) who was on sick leave for about four months. Mr Pakoa was made redundant on December 1998 and his last working day was 15th December 1998. He complained that during this period, 1st June - 15 December 1998, he was never paid for his claimed overtime.

Following the roundtable discussion at Northern District Hospital on 15th March 2005 with Matron Rachel Kalmos on the above matter, we advised her to fill in the overtime and unsocial hours claim form (PSC Form 4.1) for Mr Joseph Pakoa and to write a covering letter with copies of letters dated 9th March 1999 and 31st March 2000 to be submitted to the Personnel Manager in Port Vila for payment. Mrs Rachel Kalmos was acting Manager of Northern District Hospital at that material time.

To assist this office in the above investigation, we request that you provide the following information and documents to our office **before 14th April 2006**.

1. Please confirm if Mr Pakoa's documents were already sent to Finance Department for payment?
2. Copies of such documents would be appreciated.
3. If not, why not?
4. If yes, when?
5. Did you crosscheck whether or not the calculation as executed by Mrs Liency Ala was properly made?
6. If yes, what were your findings?
7. If the calculation was not correct, did you provide amendments or corrections?

First Floor, Luganville Commercial House PO Box 378, Luganville, Santo, Vanuatu
Tel: +678 36364 Fax: +678 36584 Email: ombudluganville@vanuatu.com.vu

S0088_3139_L04 31/03/2006

8. Copies of such corrections would be appreciated.
9. If no, why not?
10. Any documents you consider relevant to this matter.

If you do not respond to this request, this Office can issue a Notice compelling you to come to the Office to give evidence and to provide the required information and documents, however we prefer to work co-operatively wherever possible.

Warning: Inquiries by the Ombudsman are confidential until a public report is made. *The Act says that you cannot discuss this investigation, this letter, or any other information that comes from the Office of the Ombudsman, except with your lawyer or as required by law. The penalty for breaking this law is 6 months in jail or a fine of Vt 100,000 or both.*

Thank you in advance for your assistance in this matter.

Yours sincerely



Alain Molgos
Officer-in-charge, Luganville Branch
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU



Appendix J Page 1 of 3
Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: 2437/3139/L04/it

(Please quote this reference in all correspondence)

3 December 2007

Mrs Irene Titek
Acting Personnel Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

In our letter dated 8 February 2006 (copy enclosed), we asked you for particular information and/or documents in connection with our enquiry into this matter. Our records show that we have not yet received your response to that request.

Please respond to our request before **4.00pm on 14 December 2007**. If you do not produce the required documents and information in response to this letter, we will issue a Notice under the Ombudsman Act compelling you to give evidence and produce the documents and information.

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We look forward to hearing from you.

Yours sincerely

Alain Wai MORGOS
Director of Leadership Code/Investigations
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU

Encl. letter dated 8.02.06



Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: SO088/3139/L04/it

(Please quote this reference in all correspondence)

8 February 2006

Mrs Irene Titek
Acting Personnel Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

We refer to the above matter which is the subject of our inquiry. It is alleged that:

On 1st June 1998, Mr Joseph Pakoa was working during weekends and evening relieving a driver/mechanic (Timothy Johnson) who was on sick leave for about four months. Mr Pakoa was made redundant on December 1998 and his last working day was 15th December 1998. He complained that during this period, 1st June - 15 December 1998, he was never paid for his claimed overtime.

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To assist this office in the above investigation, we request that you provide the following information and documents to our office **before 14th April 2006**.

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2. Copies of such documents would be appreciated.
3. If not, why not?
4. If yes, when?
5. Did you crosscheck whether or not the calculation as executed by Mrs Liency Ala was properly made?
6. If yes, what were your findings?
7. If the calculation was not correct, did you provide amendments or corrections?

8. Copies of such corrections would be appreciated.
9. If no, why not?
10. Any documents you consider relevant to this matter.

If you do not respond to this request, this Office can issue a Notice compelling you to come to the Office to give evidence and to provide the required information and documents, however we prefer to work co-operatively wherever possible.

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Thank you in advance for your assistance in this matter.

Yours sincerely



Alain Molgos
Officer-in-charge, Luganville Branch
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU



**Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office**



Our Ref: 0397/3139/L55/it

(Please quote this reference in all correspondence)

11 March 2008

Mrs Irene Titek
Human Resource Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

In our letters dated 8 February 2006 and 3 December 2007 [copies enclosed], we asked you for particular information and/or documents in connection with our enquiry into this matter. Our records show that we have not yet received your response to that request.

Please respond to our request before 4.00 pm on 20th March 2008. As we have already mentioned that if you do not produce the required documents and information in response to this letter, we will issue a Notice under the Ombudsman Act compelling you to give evidence and produce the documents and information.

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We look forward to hearing from you.

Yours sincerely

Pasa TOSUSU
Director of General Complaints/Investigations
for: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU

Encl. copy of letters dated 8/2/06 & 3/12/07



**Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office**



Our Ref: 2437/3139/L04/it

(Please quote this reference in all correspondence)

3 December 2007

Mrs Irene Titek
Acting Personnel Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

In our letter dated 8 February 2006 (copy enclosed), we asked you for particular information and/or documents in connection with our enquiry into this matter. Our records show that we have not yet received your response to that request.

Please respond to our request before **4.00pm on 14 December 2007**. If you do not produce the required documents and information in response to this letter, we will issue a Notice under the Ombudsman Act compelling you to give evidence and produce the documents and information.

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We look forward to hearing from you.

Yours sincerely

Alain Wai MORGOS
Director of Leadership Code/Investigations
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU

Encl. letter dated 8.02.06



Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: S0088/3139/L04/lt

(Please quote this reference in all correspondence)

8 February 2006

Mrs Irene Titek
Acting Personnel Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

We refer to the above matter which is the subject of our inquiry. It is alleged that:

On 1st June 1998, Mr Joseph Pakoa was working during weekends and evening relieving a driver/mechanic (Timothy Johnson) who was on sick leave for about four months. Mr Pakoa was made redundant on December 1998 and his last working day was 15th December 1998. He complained that during this period, 1st June – 15 December 1998, he was never paid for his claimed overtime.

Following the roundtable discussion at Northern District Hospital on 15th March 2005 with Matron Rachel Kalmos on the above matter, we advised her to fill in the overtime and unsocial hours claim form (PSC Form 4.1) for Mr Joseph Pakoa and to write a covering letter with copies of letters dated 9th March 1999 and 31st March 2000 to be submitted to the Personnel Manager in Port Vila for payment. Mrs Rachel Kalmos was acting Manager of Northern District Hospital at that material time.

To assist this office in the above investigation, we request that you provide the following information and documents to our office before 14th April 2006.

1. Please confirm if Mr Pakoa's documents were already sent to Finance Department for payment?
2. Copies of such documents would be appreciated.
3. If not, why not?
4. If yes, when?
5. Did you crosscheck whether or not the calculation as executed by Mrs Liency Aia was properly made?
6. If yes, what were your findings?
7. If the calculation was not correct, did you provide amendments or corrections?

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Tel: +678 36364 Fax: +678 36584 Email: ombudluganville@vanuatu.com.vu

S0088_3139_L04/ 31/02/2006

8. Copies of such corrections would be appreciated.

9. If no, why not?

10. Any documents you consider relevant to this matter.

If you do not respond to this request, this Office can issue a Notice compelling you to come to the Office to give evidence and to provide the required information and documents, however we prefer to work co-operatively wherever possible.

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Thank you in advance for your assistance in this matter.

Yours sincerely



Alain Molgos
Officer-in-charge, Luganville Branch
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU



**Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman**



Our Ref: 1497/3139/L55/it

(Please quote this reference in all correspondence)

19 January 2009

Mrs Irene Tilek
Human Resource Manager
Health Department
PMB 9009
Port Vila

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

In our letter dated 8 February 2006 (copy enclosed) with reminding letters dated 3 December 2007 and 11 March 2008, we asked you for particular information and/or documents in connection with our enquiry into this matter. Our records show that we have not yet received your response to that request.

Please respond to our request **before 30 January 2009**. In the event that you do not produce the required documents and information in response to this letter, we will issue a Notice under the Ombudsman Act compelling you to come to the Office to give evidence and produce the documents and information. However, we prefer to work co-operatively wherever possible.

Confidentiality is important and is protected by section 28 of the Ombudsman Act. Breaching confidentiality constitutes an offence. This letter is directed only to yourself and anyone in your office with whom it is necessary to communicate in order to provide the information and documents required.

We thank you for your assistance in this matter.

Yours sincerely


Alain Wai MORGOS
Director of Leadership Code/Investigations
For: Peter K. TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU

Enclosure: Copy of letter



Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: S0088/3139/L04/lt

(Please quote this reference in all correspondence)

8 February 2006

Mrs Irene Titek
Acting Personnel Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

We refer to the above matter which is the subject of our inquiry. It is alleged that

On 1st June 1998, Mr Joseph Pakoa was working during weekends and evening, relieving a driver/mechanic (Timothy Johnson) who was on sick leave for about four months. Mr Pakoa was made redundant on December 1998 and his last working day was 15th December 1998. He complained that during this period, 1st June – 15 December 1998, he was never paid for his claimed overtime.

Following the roundtable discussion at Northern District Hospital on 15th March 2005 with Matron Rachel Kalmos on the above matter, we advised her to fill in the overtime and unsocial hours claim form (PSC Form 4.1) for Mr Joseph Pakoa and to write a covering letter with copies of letters dated 9th March 1999 and 31st March 2000 to be submitted to the Personnel Manager in Port Vila for payment. Mrs Rachel Kalmos was acting Manager of Northern District Hospital at that material time.

To assist this office in the above investigation, we request that you provide the following information and documents to our office **before 14th April 2006**.

1. Please confirm if Mr Pakoa's documents were already sent to Finance Department for payment?
2. Copies of such documents would be appreciated.
3. If not, why not?
4. If yes, when?
5. Did you crosscheck whether or not the calculation as executed by Mrs Liency Ala was properly made?
6. If yes, what were your findings?
7. If the calculation was not correct, did you provide amendments or corrections?

-
8. Copies of such corrections would be appreciated.
 9. If no, why not?
 10. Any documents you consider relevant to this matter.

If you do not respond to this request, this Office can issue a Notice compelling you to come to the Office to give evidence and to provide the required information and documents, however we prefer to work co-operatively wherever possible.

Warning: Inquiries by the Ombudsman are confidential until a public report is made. *The Act says that you cannot discuss this investigation, this letter, or any other information that comes from the Office of the Ombudsman, except with your lawyer or as required by law. The penalty for breaking this law is 6 months in jail or a fine of Vt 100,000 or both.*

Thank you in advance for your assistance in this matter.

Yours sincerely



Alain Molgos
Officer-in-charge, Luganville Branch
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU



**Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman**



Our Ref: 4918/3139/L55/la

(Please quote this reference in all correspondence)

7 July 2011

Mrs Liency ALA
Acting Corporate Services Manager
Department of Health
PMB 9009
Port Vila

Dear Madam,

**ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENT
BENEFITS**

In our letter dated 8 February 2006 (copy enclosed) to one of your predecessors Mrs Irene Titek, we have asked her for particular information and/or documents in connection with our enquiry into this matter. Our records show that ever since we have never received any response from her to our requests. As you are currently occupying that position, we would appreciate it if you could kindly provide a response to the Ombudsman's queries as contained in the above mentioned letter.

Further on the same issue, we have had the chance to interview Mrs Judith Melsul on 28 May 2004 at 9:00 am on the same and she confirmed having received Mr Joseph Pakoa's application for overtime allowance sometimes in March 2000. She then had it processed through the account section but she never confirmed to this Office whether or not the payment was made.

Please respond to our request **before 21 July 2011**. In the event that you do not produce the required documents and information in response to this letter, we will issue a Notice under the Ombudsman Act compelling you to come to the Office to give evidence and produce the documents and information. However, we prefer to work co-operatively wherever possible.

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We thank you in advance for your assistance in this matter.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Alain W. Molgos', with a large, sweeping flourish extending from the end of the signature.

Alain W MOLGOS
Director of Leadership Code/Investigations
For: Pasa TOSUSU
OMBUDSMAN OF THE REPUBLIC OF VANUATU

Enclosure: Copy of letter dated 8 February 2006



Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman
Luganville Office



Our Ref: S0088/3139/L04/lt

(Please quote this reference in all correspondence)

8 February 2006

Mrs Irene Titek
Acting Personnel Manager
Ministry of Health
PMB 9009
PORT VILA

Dear Madam,

ALLEGED FAILURE TO PAY MR JOSEPH PAKOA'S ENTITLEMENTS

We refer to the above matter which is the subject of our inquiry. It is alleged that:

On 1st June 1998, Mr Joseph Pakoa was working during weekends and evening relieving a driver/mechanic (Timothy Johnson) who was on sick leave for about four months. Mr Pakoa was made redundant on December 1998 and his last working day was 15th December 1998. He complained that during this period, 1st June - 15 December 1998, he was never paid for his claimed overtime.

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8. Copies of such corrections would be appreciated.
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Thank you in advance for your assistance in this matter.

Yours sincerely



Alain Molgos
Officer-in-charge, Luganville Branch
For: Peter TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU

GOUVERNEMENT
DE LA
REPUBLIQUE DE VANUATU
MINISTERE DE LA SANTE
Phone (678) 22512-Fax (678)
26204



GOVERNMENT
OF THE
REPUBLIC OF VANUATU
MINISTRY OF HEALTH
Private Mail Bag: 009

COPORATE SERVICES AND PLANNING SECRETARIAT

20 July 2011



Mr Alain Wai Molgos
Director of Leadership Code/Investigations
Office of the Ombudsman
Port Vila.

Dear Mr Molgos

Referring to your letter dated 18 July 2011 regarding Mr Joseph Pakoa Entitlement, we have no records whether it is paid or not or even any confirmation from Joseph whether he has received the payment or not.

If the Officer is still complaining then we have to forward it to the Acting Hospital Manager, Northern Provincial Hospital, Luganville Santo, Gerolyn Tagaro to provide copies of those document to our office so that we can look into the matter again.

Yours Sincerely

Liency Q. Ala (Mrs.)
Ag. Human Resource Manager

CC: Director General's Office
Cc: File.

GOUVERNEMENT
DE LA
REPUBLIQUE DE VANUATU
MINISTERE DE LA SANTE
Phone (678) 22512-Fax (678)
26204



GOVERNMENT
OF THE
REPUBLIC OF VANUATU
MINISTRY OF HEALTH
Private Mail Bag: 009

COPORATE SERVICES AND PLANNING SECRETARIAT

CS 05/OM/1a

30 March 2016

Mr Kalkot MatasKelekele
Ombudman of the Republic of Vanuatu
Ombudsman Haos, Rue Pasteur
PMB 9081
Port Vila

Atten: Darval Simon

Dear Mr MatasKelekele

Re: Overtime Payment Entitlement-Mr Joseph Pakoa-Health

Thank you for your letter dated 9 February 2016 in regards to the above and to confirm that Mr Joseph Pakoa is a relieve driver for the Northern Provincial Hospital and we have no records of this overtime documents .

Yours Sincerely,


Lieney Q. Ala (Mrs.)
Senior Human Resource Officer-Health

Cc: George Taleo-DG-MOH
Cc: Meriam Carlot-Acting HRM& HRD Manager
Cc: File.

