



OFFICE OF THE OMBUDSMAN

PUBLIC REPORT

**ON THE UNFAIR DEDUCTION OF
SEVERANCE PAYMENT FOR MS LINDA
GEORGE, FOR PRE-SCHOOL
COORDINATOR FOR MALAMPA**

Date: 19 May 2020



REPUBLIC OF VANUATU

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**PUBLIC REPORT ON THE UNFAIR DEDUCTION OF SEVEANCE PAYMENT FOR
MS LINDA GEORGE, PRE-SCHOOL CORDINATOR FOR MALAMPA**

SUMMARY

Mrs George commenced her employment as the Pre-School Coordinator for Malampa Province on 8 February 2006. Until the date of her retirement she had been employed for a total of approximately 8 years.

In a letter dated 18 March 2014, Laurent Rep, Public Service Commission Secretary advised Mrs George that the Commission at its meeting N0.05/2014 of 14 March 2014 approved her retirement with effect from 13 June 2014.

Her severance payment was calculated by Tevear Daniel on 19 June 2014 to the amount of VT1.519, 556 (severance VT1, 487,400 & Annual leave VT42, 156)

Mrs George continued to work approximately 12 months thereafter. This is due to the fact that she did not receive her retirement letter in time and there was no one available to replace her.

The deduction from her severance allowance totalling of VT1, 039,370 to the pay period she worked is unlawful. The deduction is contrary to section 57 of the Employment Act [CAP 160]. She had lawfully earned the severance allowances. The 12 months for which she continued to receive her salary was for official work actually performed beyond her retirement age.

2. JURISDICTION

- 2.1 The Constitution and the Ombudsman Act [CAP 252] and the Leadership Code Act [CAP 240] give jurisdiction to the Ombudsman to enquire into the improper conduct of the former officials at the Department of Education.

3. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED

- 3.1 The purpose of this report is to present the Ombudsman's findings as required by the Constitution and the Ombudsman Act and the Leadership Code Act.

4. ISSUE

- 4.1 The issue arising in the complaint is whether the deduction made to Mrs George severance allowance is lawful deduction _ that is the circumstances surrounding the decision to make the deductions is supported in law

5. RELEVANT LAWS

- 5.1 Relevant parts of the following laws are reproduced in **Appendix 1**

- ✓ Teaching Service Act, Section 5 & 11
- ✓ Employment Act

6. OUTLINE OF EVENTS

- 6.1 On 10 February 2006, Mrs George received her appointment letter from the Public Service Commission as the MALAMPA Provincial Pre- School Coordinator. Her appointment was to be effective from 8 February 2006 (**Appendix 2**)
- 6.2 On 18 March 2014, Laurent Rep, Public Service Commission Secretary wrote and advised Mrs George that the Commission at its meeting N0.05/2014 of 14 March 2014 approved her retirement with effect from 13 June 2014. (**Appendix 3**)
- 6.3 On 10 July 2015, Mrs Judith Melsul, Acting Secretary of Public Service Commission, wrote to Director of Finance, Mr Letlet August, authorising him to pay leave payout entitlements for Mrs George (**Appendix 4**).