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IN THE MATTER OF THE PUBLIC SERVICE  
(PAPUA AND NEW GUINEA) ORDINANCE - 1963-1967.

AND IN THE MATTER OF AN APPEAL BY BOBBY BAIA,  
AGAINST A DECISION OF THE DIRECTOR OF PUBLIC WORKS,  
UNDER SECTION 65 OF THE SAID ORDINANCE RECOMMENDING  
THE DISMISSAL OF THE APPELLANT FROM THE PUBLIC SERVICE.

We, the members of the Appeal Board, constituted under the said Ordinance for the purpose of hearing and determining the said appeal, having considered the evidence before us and having considered the charge and the relevant circumstances and having heard what was alleged by the appellant, who appeared in person, now state our conclusion upon this appeal and our reasons :

CONCLUSION :

(1) Our determination is that the appeal should be allowed to the extent that the recommendation for the dismissal of the appellant should be varied and replaced by a recommendation that the appellant should remain in the Service but be transferred to another position.

(2) We recommend that the appellant should be transferred to a position to suit his qualifications in the Joinery Workshop of the Department of Posts and Telegraphs in Port Moresby. Should there be no such position available and no likelihood of a suitable vacancy occurring, we recommend that the appellant be placed in a position as closely analogous to that previously recommended as possible.

REASONS :

The appellant has a large family which, with all its attendant problems, places him in a position in which he is particularly vulnerable to economic loss. His financial burdens and his lack of prospect for advancement amount to continual pressure upon him likely to induce depression and reactive behaviour patterns which add seriously to his burdens.

The record shows, and it appears to be admitted by all concerned, that the appellant is a good tradesman at his own particular craft and he has been trained under the supervision of Mr. C. Hayes, who is known to be an outstanding tradesman and an able instructor. The appellant should, therefore, under normal conditions be a valued asset.

The record shows that over a long period of time 205



the appellant has been absent from work and has given a wide variety of excuses, many of which appear to be unsatisfactory. The irregularity of his work has no doubt caused a good deal of inconvenience so that the officers supervising him have become thoroughly irritated and not without reason.

As might be expected, the resulting procedure has been to allow the appellant to cover the periods of his absence with subsequent applications for leave without pay, which have been granted retrospectively. In consequence of these absences having been ratified subsequently and having been made the subject of deductions of pay, they are not now available against the appellant in their original character of breaches of regulations. Notwithstanding this consideration, it is clear that these absences have had a continuing effect on the relations existing between the appellant and his supervisors and have produced a build-up of pressure on both sides.

The supervisors have experienced a growing sense of dissatisfaction, whilst the appellant has suffered loss of pay which he cannot really afford. Thus, the appellant has become more moody and depressed, has lost a good deal of the essential interest in his work and aggravated his tendency towards absenteeism and further loss.

In circumstances such as these it is essential to find the means of breaking the continuity of cause and effect, and to endeavour to alter the circumstances affecting the appellant, so that his undoubted value as a tradesman may be restored and retained in the service of the Administration.

The situation has deteriorated recently by reason of some changes in the work performed by the appellant, he having been transferred to outdoor construction work where influences towards absenteeism and indolence would be greater because he would, of necessity, work in a situation of less efficient supervision.

We think it is the wrong principle for a Department to allow pressures to develop over a long period to such an extent that the Department's view is that it must get rid of the nuisance by dismissing him. The build-up itself is the cause of increasing delinquency and it may fairly be said that this influence is one which is in fact beyond the control of the appellant, and therefore an aggravating circumstance



We have given the appellant a strong warning, coupled with an explanation which we think he understood, of the way in which he has been harming himself and his family and jeopardising his position in the Service by his conduct. We have told him that on this occasion we would like to see him given a new opportunity in a different place where he would find adequate opportunity to undertake work agreeable and appropriate to him and have the opportunity to establish himself in the right kind of relationship with his supervisors for the benefit of all concerned. We have warned him of the probable consequences of allowing himself to drift back into his former habits. We have emphasised the value to him and his family of his long period of service with the Administration with the approbation of his supervisors so far as his capacity and the quality of his work are concerned. We have tried to induce him to see that this asset will not be directly available to him outside the Service, and that he should regard it as a strong inducement to work well and efficiently in new surroundings leaving behind him the bad habits into which he had drifted.

We have considered alternative forms of punishment, but feel that it would be unfair, as well as harmful to the essential relationship between an officer and the Service to which he belongs, to add to his financial burdens.

*Marianne*