Notice of Originating Motion (O.55)

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
In The Matter of The Labour Law (30 of 1987) Cause No. 501 of 1996

BETWEEN:	**FLOWERS AIR DISPATCH SERVICE**	APPELLANT
AND:	**MRS. BERNICE SMITH**	RESPONDENT

ORIGINATING MOTION

TAKE NOTICE that Mr. Justice sitting at the Law Courts, George Town, on the day of , 19 at o'clock or so soon thereafter as Counsel can be heard on behalf of Flowers Air Dispatch Service will be moved by Counsel for Flowers Air Dispatch Service for an order pursuant to the Labour Law s. 78 on the grounds as follows:-

1. The decision of the Labour Law Appeals Tribunal of 10 September 1996 is incorrect because the dismissal by the employer was made pursuant to The Labour Law (30 of 1987) s. 44 and thus in the circumstances prevailing at the time was fair.
2. Where it is considered that the misconduct of an employee is not sufficiently serious to justify terminating the employees employment but the employer is not prepared to tolerate a repetition the employer may provide the employee with a written warning. The warning should describe the misconduct and the action that may be taken if there is any further misconduct.
3. If the employee is, within twelve months following the receipt of the written warning, guilty of any misconduct of any kind in relation to their work the employer may terminate the employment of the employee, or take some other action as may have been specified in the written warning.
4. And for an Order that the Respondent pay the costs of this application.

Dated the 30 day of September 1996.

Signature of Applicant's Attorney

CLERK OF COURT SEP 30 1996 CAYMAN ISLANDS

TO: The Clerk of the Court
AND TO: Bernice Smith c\o Steve McField & Associates, Mary Street, PO Box 680 GT, Cayman Islands, Grand Cayman, BWI.
AND TO: Labour Law Appeals Tribunal, PO Box 309, Ugland House, South Church Street, Grand Cayman, Cayman Islands, BWI

THIS ORIGINATING MOTION is served by C. H. Allen BSc whose address for service is Brooks & Brooks, Attorneys-At-Law, PO Box 1355 GT, Cayman Islands, BWI., Attorney for the Applicant.

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