

BETWEEN: PARLIAMENTARY MANAGEMENT BOARD
Appellant

AND: ROSLYN JIMMY
Respondent

Date of Hearing: 3 February 2026

Before: Hon. Chief Justice V. Lunabek
Hon. Justice M. O'Regan
Hon. Justice M. Wigney
Hon. Justice V.M. Trief
Hon. Justice M. MacKenzie
Hon. Justice B. Kanas Joshua
Hon. Justice J. Naigulevu

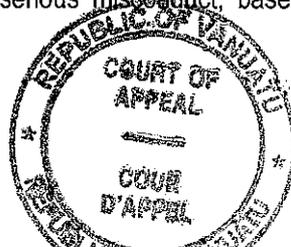
In Attendance: Ms F. Kalsakau for the Appellant
Mr M. Hurley for the Respondent

Date of Judgment: 13 February 2026

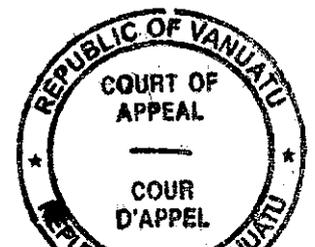
JUDGMENT OF THE COURT

Introduction

1. This is an appeal against a Supreme Court decision determining the multiplier to be applied under subs. 56(4) of the *Employment Act* [CAP. 160] (the 'Act') for payment of a sum up to 6 times the amount of severance allowance following the unjustified dismissal of the respondent.
2. On or about 21 December 2011, the appellant the Parliamentary Management Board (the 'Board') appointed the respondent Roslyn Jimmy to the position of Parliament Officer Hansard Editor (English) with the Board. Ms Jimmy was continuously employed in that position until, with effect from 7 December 2021, the Board promoted her to the position of Assistant Clerk – Hansard Division.
3. On or about 27 March 2024, the Board served Ms Jimmy with a copy of an enquiry report by the Ombudsman dated the same date.
4. By the Board's letter to Ms Jimmy dated 24 April 2024, the Board informed her that her employment was terminated with immediate effect for serious misconduct, based on the findings in that Ombudsman report.



5. In the Supreme Court, the Board admitted that its termination of Ms Jimmy's employment was unjustified: *Jimmy v Parliamentary Management Board* [2025] VUSC 276 at [4]. The Board also admitted that Ms Jimmy's severance allowance, payment in lieu of three months' notice, VNPF, housing allowance, child allowance and annual leave totalled VT11,607,064.
6. The only live issue before the Supreme Court was the multiplier to be applied under subs. 56(4) of the Act.
7. Section 56 of the *Employment Act* provides, relevantly, as follows:
 56. (1) *Subject to the provisions of this Part, the amount of severance allowance payable to an employee shall be calculated in accordance with subsection (2).*
 - (2) *Subject to subsection (4) the amount of severance allowance payable to an employee shall be –*
 - (a) *for every period of 12 months – 1 months remuneration;*
 - (b) *for every period less than 12 months, a sum equal to one-twelfth of the appropriate sum calculated under paragraph (a) multiplied by the number of months during which the employee was in continuous employment.*
 - ...
 - (4) *The court shall, where it finds that the termination of the employment of an employee was unjustified, order that he be paid a sum up to 6 times the amount of severance allowance specified in subsection (2).*
8. The Board's sole ground of appeal is that the primary Judge erred by awarding a multiplier of three, and asks this Court to reduce it to a "lesser multiplier."
9. Ms Jimmy submitted that based on the evidence and the case law, the award of a multiplier of three under subs. 56(4) of the Act was an appropriate exercise of the primary Judge's discretion that does not warrant appellate intervention. Ms Jimmy invited this Court to dismiss the appeal with an order for costs.
10. At the hearing of the appeal, counsel agreed that even though the primary Judge awarded a multiplier of three under subs. 56(4) of the Act, he in fact applied a multiplier of two but erred in his calculation of the multiplier award (by VT30,000). The award was VT31,548,040 but should have been VT31,578,040. As there was no cross-appeal filed by Ms Jimmy, counsel invited the Court to dismiss the appeal and correct the judgment sum awarded. Mr Hurley submitted that a costs order was appropriate as Ms Jimmy filed submissions and counsel prepared for the hearing of the appeal. It was only immediately before the commencement of the hearing, that the Board conceded that the primary Judge in fact applied a multiplier of two but erred in his calculation of the multiplier award.

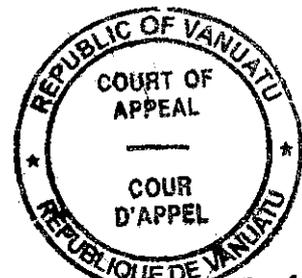


Consideration

11. We agree that although the primary Judge said there was to be a multiplier of three, he in fact applied a multiplier of two. The error might have been avoided if the Judge had made distinct awards. That is, to set out the quantum of severance allowance (VT9,985,488) and then a separate award of two times the severance allowance (VT985,488 x 2 = VT19,970,976). It would then have been obvious that those figures, together with the other employment entitlements which were admitted, totalled VT31,578,040 which would have been the correct judgment sum.
12. Section 56 of the Act provides separately for severance allowance, in subs 56(1) and (2), and for payment of a sum up to 6 times the amount of severance allowance following an unjustified dismissal in subs. 56(4). They have different purposes. An employee's severance allowance is calculated based on the period of their employment. The payment under subs. 56(4) of the Act will reflect the impact on the dismissed person from the circumstances which led to the unjustified dismissal (for example, distress or humiliation) or be treated more as compensatory for a person who is unable to obtain work: *Vanuatu Broadcasting and Television Corporation v Malere* [2008] VUCA 2; *Hack v Fordham* [2009] VUCA 6 at [24]. Subsection 56(4) does not allow for an award of aggravated or punitive damages: *Banque Indosuez Vanuatu Ltd v Ferrieux* [1990] VULawRp 2; *Mouton v Selb Pacific Ltd (Judgment 3)* [1998] VUCA 8. Thus, the amount awarded pursuant to subs. 56(4) is not punitive in nature but compensatory. The primary Judge is also entitled to consider the award in total in determining the appropriate multiplier: *Republic of Vanuatu v Watson* [2023] VUCA 31 at [34].
13. Accordingly, a primary Judge should set out separately any entitlement to payment of severance allowance and any award of a multiplier under subs. 56(4) of the Act as these are separate and distinct statutory employment entitlements for an employee who has suffered an unjustified dismissal.

Result

14. In substance, the appeal is dismissed but, as the appellant conceded, it is necessary to correct the amount of the judgment sum in the Judgment dated 3 October 2025 in Civil Case No. 24/2728 from VT31,548,040 to VT31,578,040. We formally allow the appeal to that limited extent.
15. Although the outcome of the appeal represents no effective change to the outcome in the Supreme Court, the appellant must bear the costs of the respondent given that it did not inform the respondent of its concession until immediately before the commencement of the hearing of the appeal. Accordingly, the appellant is to pay to the respondent costs of VT100,000.
16. Appellant's counsel informed this Court that no payment has been made to the respondent of her employment entitlements. Given that the Board admitted these entitlements by way of Joint Memorandum filed on 21 August 2025, its delay in payment to the respondent of the sums owed to her is inexcusable.



17. This matter is remitted to the Supreme Court for a Judge to ensure that an enforcement conference is conducted and then to make enforcement orders.

DATED at Port Vila, this 13th day of February, 2026

BY THE COURT



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Honourable Chief Justice Vincent Lunabek

