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Departmental and Other Notices

THE EASTERN CARIBBEAN SUPREME COURT
IN THE COMMONWEALTH OF DOMINICA
IN THE HIGH COURT OF JUSTICE
[CIVIL]

SUIT No. DOMHCV2012/0300

Between:

Mervyn Riviere *Claimant*

and

Ross University School of Medicine *Defendant*

Appearances:

Dr. William Riviere Counsel for the Claimant
Mrs. Hazel Johnson of de Freitas, de Freitas and Johnson
Counsel for the Defendant

2014: January 27th, 28th
February 19th
May 9th

JUDGMENT

[1] THOMAS, J. [Ag.]: In this action, the claimant, Mervyn Riviere, seeks against the defendant, Ross University School of Medicine, "RUSM", a declaration and damages in these terms:

1. A Declaration that the Claimant was wrongfully dismissed;
2. Damages for breach of contract arising from wrongful dismissal;

3. Damages for breach of duty of trust and respect.

[2] The claimant's case is that by various agreements with the defendant from February 2003 he was first appointed as an Adjunct Professor and later in 2006 promoted to full-time Faculty Member at an annual salary of US\$90,000.00 with specific responsibilities.

[3] According to the claimant "the contract agreement in 2003 and thereafter, stipulated that failure to carry out his academic duties and responsibilities at the school according to the contract would be considered cause for termination in accordance with the policies and procedures established in the School's Faculty Hand Book."

[4] At paragraph 19 of his statement of claim the averments go towards the termination of the claimant's contract for serious misconduct in accordance with Section 5 of the Protection of Employment Act.¹

[5] Other averments relate to the following:

1. The defendant paid the claimant his salary for the month of April 2012; and
2. The defendant had not prior to his dismissal issued a written notice of warning to the claimant concerning his alleged misconduct and indicating

¹ Chap. 89:02 Revised Laws of Dominica