TRIBUNAL INDUSTRIJALI

DECIZJONI PRELIMINARI NUMRU 2961

Kaz Numru 3930/CC **Fil-Kwistjoni tax-Xoghol**

bejn

Lindsey Sant (KI 340284M)

u

AE Malta Holdings Limited (C 57201) f'isimha stess u bhala operaturi ta' ACE English Malta u l-istess ACE English Malta

dwar tkeccija mill-impjieg allegata li hi ngusta

Chairman: Is-Sur Charles Cassar M.B.A.(Exec.), Dip.Lab.Stud., Cert.Mediator (UK)

Nhar it-Tlieta 12 ta' Dicembru, 2023

L-Avv. Andrew Grima ghan-nom tas-Socjeta' ntimata pprezenta rikors fejn sostna li l-azzjoni quddiem dan it-Tribunal kienet *fuori termine*. Ir-rikors promotur kien ipprezentat mill-Appellanti Sant nhar it-30 ta' Dicembru 2020.

Min-naha tas-Socjeta' ntimata jinghad li l-impjieg tal-Appellanti Sant intemm fit-28 t'Awwissu 2020 kif indikat fil-JobsPlus *Employment History* taghha, mentri l-Avv. David H. Harding ghan-nom tal-Appellanti ddikjara illi l-impjieg taghha kien gie terminat nhar il-31 t'Awwissu 2020.

Iz-zewg Avukati f'isem il-partijiet ittrattaw dwar jekk ir-rikors promotur kienx ipprezentat fiz-zmien stipulat skond il-Kap 452 jew le.

L-Art.75(3) tal-Kap 452 jghid li 'kull referta….. ghandha ssir permezz ta' dikjarazzjoni…… u ghandha fil-kazijiet kollha, hekk tigi pprezentata mhux aktar tard minn erba' xhur mid-data effettiva tal-ksur allegat'.

Fid-dawl ta' dak li xehdet quddiem dan it-Tribunal Josephine Borg *Director of Studies* mas-Socjeta' ntimata fis-seduta tas-6 t'Ottubru 2021 fejn stqarret **'*...and we then terminated her at the end of August due to her not being available to***

work when we needed teachers to provide the work' u anke ta' *Email* li l-istess Josephine Sant baghtet lill-Appellanti datata 31 t'Awwissu 2020 (DOK LS A1) fejn tinfurmaha ***'As per your confirmation to us on the 12th August 2020 that you will be definetly unavailable for work throughout the first weeks of September 2020 the school has no other option but to terminate your employment as of today'***, dan it-Tribunal jaghraf li l-impjieg tal-Appellanti gie mitmum fil-31 t'Awwissu 2020 u mhux fit-28 t'Awwissu 2020 kif hemm skorrettament indikat fil-JobsPlus *Employment History* tal-Appellanti.

Fic-cirkostanzi t-Tribunal Industrjali ma jilqax l-eccezzjoni preliminari tas-Socjeta' ntimata u jiddikjara li r-rikors promotur kien imressaq *entro termine* u ghaldaqstant jordna l-prosegwiment tal-kaz.

(Iffirmat)
Charles Cassar
Chairman

Vera Kopja

Marica Psaila
Ghas-Segretarju