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**NOTICE TO PARTIES OF THE COURT'S  
MEMORANDUM OF REASONS FOR JUDGMENT**

**SUPREME COURT CIVIL APPEAL NO COA2021CV00082**

**BETWEEN            JANET JOHNSON HAUGHTON            APPELLANT**  
**AND                    INDUSTRIAL DISPUTE TRIBUNAL            RESPONDENT**  
**AND                    FINANCIAL SERVICES COMMISSION        INTERESTED PARTY**

**TAKE NOTICE** that this matter was heard by the Hon Mrs Justice McDonald-Bishop JA, the Hon Miss Justice Simmons JA, and the Hon Mrs Justice Dunbar-Green JA on 31 May and 1 June 2023, with the appellant self-represented, Mrs Taniesha Rowe Coke instructed by the Director of State Proceedings for the respondent, and Ransford Braham KC and Miss Christina Thompson instructed by Braham Legal for the interested party.

**TAKE FURTHER NOTICE** that the court's memorandum of reasons, as delivered orally in open court by the Hon Mrs Justice McDonald-Bishop JA, is as follows:

[1] This is an appeal from the order of K Anderson J ('the learned judge') made on 30 July 2021 refusing leave to the appellant, Mrs Janet Johnson Haughton, to apply for judicial review of the decision of the respondent, the Industrial Dispute Tribunal ('IDT'), made on 13 August 2020.

[2] A dispute between the appellant and the interested party, the Financial Services Commission ('FSC') was referred to the IDT by the Ministry of Labour to determine and settle the dispute between the FSC and the appellant over the termination of the appellant's employment contract.

[3] At the conclusion of the hearing, the IDT ruled, among other things, that the appellant was justifiably dismissed by the FSC on the basis that she had repudiated the contract of employment. Aggrieved by this decision, the appellant sought leave to apply for judicial review, which was the application considered by the learned judge.

[4] After considering the case of **Attorney General of Trinidad and Tobago v Ayers-Caesar** [2019] UKPC 44, which followed the principle expressed in **The Honourable Satnarine Sharma v Carla Brown-Antoine** [2006] UKPC 57, the learned judge concluded that the threshold test for leave to apply for judicial review as had not been passed, that is to say, the appellant had failed to show that she has an arguable ground for judicial review, which has a realistic prospect of success.

[5] Before us, the appellant argued that the learned judge erred in refusing to grant her leave to apply for judicial review. She contended that he was wrong to conclude that Circular 21 dated 9 September 2013, from the Ministry of Finance and Planning (as it then was) and the Staff Orders for the Public Service, do not apply to her and that her issue regarding her non-appointment does not assist her in her case. The appellant also argued that the learned judge was wrong in his conclusion that the IDT was correct to find that she was justifiably dismissed because she had repudiated the employment contract.

[6] Having considered all the relevant material provided to us, the submissions of the appellant and of counsel, and having applied the applicable law especially that which relates to the test for leave to apply for judicial review, we conclude that the appellant has raised at least one arguable ground which has a realistic prospect of success. That is, whether her employment contract was justifiably terminated based on what the IDT found to have been her repudiation of it.

[7] The critical issue is whether the appellant's contract of employment was repudiated by her. This, the court believes, must be ventilated by a consideration of all the material presented at the IDT by the parties which, according to the learned judge, he did not have to consider in depth because of the application before him.

[8] Of particular interest, are the letters of 27 June 2017, from the FSC to George G Soutar, attorney-at-law for and on behalf of the appellant, and 3 July 2017 from the FSC to the appellant. Both letters were purportedly signed by the FSC's chairman, at the time, Howard Mitchell. Having considered the contents of those letters, we conclude that given the omission in the IDT's reasoning, demonstrating how it had treated with the letters, that the issue surrounding the termination of the appellant's employment contract ought to be sufficiently investigated and resolved by the Supreme Court.

[9] Having considered the documentary evidence that was before the learned judge and the submissions of the parties against the background of the applicable law, we have concluded that the learned judge erred in refusing leave to the appellant to file an application for judicial review of the decision of the IDT. The threshold test for the grant of leave for judicial review is a low one, and the appellant has passed it. Therefore, we would set aside the order of the learned judge and grant the appellant leave to apply for judicial review in the Supreme Court.

[10] Accordingly, the orders of the court are as follows.

1. The appeal is allowed.
2. The order of K Anderson J made on 30 July 2021 is set aside.
3. Leave is granted to the appellant to file and serve an application for judicial review in the Supreme Court.
4. The grant of leave is conditional on the appellant filing a claim for judicial review in accordance with Part 56 of the Supreme Court Civil Procedure Rules 2002 within 14 days of the date thereof.
5. Costs of the appeal to the appellant against the respondent to be taxed if not agreed.