ISS. 65/20 2020 S NO.20

IN THE HIGH COURT OF SIERRA LEONE

(INDUSTRIAL AND SOCIAL SECURITY DIVISION)

BETWEEN:

JAMES FRANKLIN SCOTT

18 FISHER STREET,

FREETOWN - PLAINTIFF

AND

HADEX(SL) LIMITED

14 MURRAY TOWN ROAD

FREETOWN - DEFENDANT.

KANU & ASSOCIATES FOR THE PLAINTIFF

LAMBERT & PARTNERS FOR THE DEFENDANTS

JUDGMENT

Judgment delivered electronically by the Hon. Mr. Justice Sengu M. KOROMA JSC on the 25th day of April, 2023.

The Plaintiff's claim is against the Defendant for the following relief:

1. Compensation in the sum of Le 1,000,000,000.00 (OLE).
2. Damages for breach of duty
3. Special damages Le 363,500,000 (OLE)
4. Interest

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Judgment delivered electronically by the Hon. Mr. Justice Sengu M. KOROMA JSC on the 26th day of April, 2023.

JUDGMENT

The Plaintiff's claim is against the Defendant for the following relief:

1. Compensation in the sum of Le 1,000,000,000.00 (OLE).
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3. Special damages Le 363,500,000 (OLE)
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5. An order that the Plaintiff is flown to India or any other advanced medical facilities for immediate and appropriate medical treatment at the Defendant's expense.

6. Any other reliefs as the Honourable Court deem fit and just.

7. Costs.

2. In his particulars of claims, the Plaintiff alleges that on the 6th day of August, 2018 while in the course of his employment, to wit, engaged in packing PVC ceiling materials at the Defendant's factory, he fell off an unsafe and unattended ladder, owing to the non-supervision or non-compliance by the Defendant with the practice of a co-employee securing the unsafe ladder when in use by another employee.

3. The Plaintiff further alleges that, after the accident, he was taken to the 34 Military Hospital by a co-worker for treatment, but the Defendant instructed that he should only be X-rayed and not admitted. A few days after this incident, the Plaintiff became incapacitated, and another screening was done at the Emergency Hospital at Goderich. He alleges that the Defendant initially failed or refused to pay for surgery and had to return home until three months later after appeals and protestation from his mother-in-law, the Defendant paid for surgery at Treasury Hospital, King Harman Road, Freetown. The operation was performed on the 31st of October, 2018 but it was unsuccessful. Meanwhile, the Defendant only paid him full salary until April, 2019 in the sum of Le 750,000,00 (OLE) and half salary in May, 2019.

4. The Plaintiff was subsequently examined by a specialist from India who confirmed that the initial operation was performed unsuccessfully and therefore recommended that the Plaintiff be flown to India or any other Country with an advanced medical facility for total hip replacement. The estimated medical cost in India was USD $10,000 at the material time.

5. The Plaintiff avers that he is 43 years of age and by the nature of his trade will not be active in the job market for the remainder of his active years as he was injured and suffered disability, pain, considerable hardship, and trauma due to the negligence and/or breach of duty and /or breach of contract of employment of the Defendant.

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6. The Plaintiffs concludes the Particulars of Claims by alleging that despite a letter dated the 12th February, 2020 and several earlier demands for the Defendant to provide him with a proper medical treatment, the Defendant has failed to do so.

PARTICULARS OF NEGLIGENCE

7.The Plaintiff states six items under this Head, but most of them are repetitious. The most relevant for our present purpose are as follows:

a. Failing to take adequate precaution for the safety of the Plaintiff while engaged on duty.

b. Failing to ensure urgent surgery was done at the 34 Military Hospital or any other hospital until after 3 months which worsened the medical condition of the Plaintiff.

c. Failing to carry out surgery after the expert from India recommended advanced medical treatment.

PARTCULARS OF INJURY

a. Hip fracture.

b. Non-union with separation of femoral head from neck and shaft.

c. Right foot swollen and unable to walk without clutches.

d. Weakness in his right leg.

e. The angled plate currently in his body is causing excruciating pain.

PARTICULARS OF SPECIAL DAMAGES/STATEMENT OF SPEICAL DAMAGES CLAIMED:

Cost domestic medication	-	Le 20,000,000/00
Cost of transportation fare to medical centre	-	Le 3,000,000/00

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Cost of Nursing from 6th August, 2018 to 13th July, 2020.	-	Le 30,000,000/00
Cost of Medical treatment/surgery in India	-	Le 100,000,000/00
Salary due and owing	-	Le 10,000,000/00
Loss of future earning and terminal benefits	-	Le 200,000,000/00
Total costs	-	**Le 363,500,000/00**

THE DEFENCE:

8. In its defence, the Defendant contends as follows:

i. That the fall of the Plaintiff was due to his own negligence and not due to any act or omission of the Defendant;

ii. That the accident/fall was caused or contributed by the Plaintiffs act of negligence; and

iii. That the Plaintiff failed to abide by the laid down rules and regulations of the factory on the mounting and dismounting of ladders.

WITNESSES AND EXHIBITS.

9. The Parties called various witnesses and tendered several exhibits. I shall consider their various testimonies and exhibits tendered during my analyses of the various issues for determination.

ISSUES FOR DETERMINATION:

10. Though both parties in their respective court bundles listed down what they considered to be key issues for determination, I consider the following issues to be most germane to the dispute herein:

1. Whether the Defendant owed a duty of care to the Plaintiff.

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2. Whether the defendant breached that duty and the Plaintiff suffered any damage.

3. Whether the Plaintiff was contributorily negligent.

4. Measure of damages payable, if any.

11. Whether the Defendant owes a duty of Care to the Plaintiff.

12. On this issue, T Sangba Esq. for the Plaintiff argues that the burden is on the Plaintiff to prove negligence. In support of this proposition, he refers to HALSIBURY'S LAWS OF ENGLAND 4TH EDITION at paragraph 662 on page 476. He submits that in the present instance, the employer has a duty at common law to take reasonable care for the safety of his employees in all circumstances…'so as not to expose them to unnecessary risk' (Halsbury Laws of England, 4th Edition, vol. 16, paragraph 560). He relies on the definition given by the authors of CHARLESWORTH & PERRY ON NEGLIGENCE, 9TH EDITION, SWEET 8 MAXWELL (1997) p. 19 AS FOLLOWS: "the word 'duty' connotes the relationship between one person and another, imposing on the one, an obligation for the benefit of that other, to take reasonable care in all circumstances".

13. Mr. Sangba Submits that the Plaintiff fell from the ladder in the course of his employment. He asserts that the fall of the Plaintiff was mainly as a result of the co-worker who negligently abandoned the ladder when the Plaintiff was midway dismounting it. Mr Sangba submits that the Defendant did not maintain adequate materials and resources for the works like providing sufficient tackle for the ladder to have a firm grip.

14. Mr. Sangba further submits that the Defendants is vicariously liable for the act of the Plaintiff's colleague who failed to hold the ladder for him while climbing down. He argues that the duty of the Defendant is personal and non-delegable. He submits that the Defendant has not argued on this point which from the defence filed seems to be the appropriate approach as the entire defence is based on the allegation that the Plaintiff was contributorily negligent.

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15. In her response, Miss Benjamin for the Defendant refers to exhibit B2, paragraph 17 of this Defendant's bundle which contains the Rules and Regulations and Health and Safety Guidelines of the Defendant which provides as follows: -

> *"You are only to use a ladder if you are being helped and another staff member is assisting you. You are never allowed to use it alone".*

16. Miss Benjamin submits that the Defendants has not denied owing a duty of care to the Plaintiff, but argues that, that duty was not breached.

17. In the law of Torts, a duty of care is a legal obligation that is imposed on an individual or corporate body, requiring strict adherence to a standard of reasonable care while performing any acts that could foreseeably harm others. It is the standard by which someone or corporate body is held liable for a Plaintiff's injury in personal injury cases like care accidents, slips and falls. Generally, in employment cases, like the instant case, the tort of the employer's liability arises where the employer has failed to take reasonable care for the safety of his employees while they are acting within the course of their employment. This is a personal duty owed by the employer to each employee and is non-delegable. The tort is negligence based. Liability is dependent upon proof of the breach of the duty and resultant damage.

18. Relying on the principle that the existence of the duty of care is based on the existence of employer/employee relationship, I hold that the Defendant owes a duty of care to the Plaintiff. However, it needs to be established whether the Defendant breached that duty.

Issues (2) and (3)

19. I shall deal with issues (2) and (3) together as they are closely related.

20. T. Sangba Esq for the Plaintiff argues that the Defendant did not provide proper working environment for the Plaintiff as no proper system was put in place to hold the ladder. He submits that there is no evidence adduced by the

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Defendant to show preventive measures to minimise the risk occasioned by mounting and dismounting the ladder. Mr Sangba submits further that the co-employee of the plaintiff, Mr. Gipan who was also the supervisor was negligent in letting hold of the ladder when the Plaintiff was midway dismounting it, resulting in the Plaintiff sustaining serious injuries. He concludes that the Defendant is squarely responsible for the negligent conduct of Mr. Gipan.

21. Mr. Sangba relies on the dictum of Navo JA (as he then was) in the case of ALLEGEMEINE BAU UNION (ABU) -V- BAI KAMARA (Civ APP. 12/79) (Unreported) which was relied on by Sengu Koroma JA (as he then was) in MOHAMED BAH -V- AFRICELL (2018); BULLEN AND LEAKE, Precedents on Pleadings, 16th Edition (Pages 469 – 470); SOKORO SAWMILLS LIMITED -V-BERNARD MUTHUMBI NJENGA Civ. APP 1995 etc.

22. J. Benjamin Esq for the Defendant submits that the Plaintiff was contributorily negligent. In her submission, she starts with the definition of contributory negligence in BLACK LAW DICTIONARY as "the act and omission amounting to want of ordinary care on the part of the complaining party, which, concurring with Defendants negligence, is the proximate cause of injury". She submits that there are laid down Rules and Regulations and Health Safety Guidelines of the Defendants which every employee is bound by during his period of employment. In this regard, Ms. Benjamin refers to Paragraph 17 of Exhibit B2 of the Defendant's Court Bundle which states as follows:

> *"You are only to use the ladder if you are being helped and another staff member is assisting you. You are never (sic) allowed to use it alone".*

23. Ms. Benjamin submits further that there is an inconsistency between the pleadings in paragraph 4 of the particulars of claim and the testimony of the Plaintiff in Court. In paragraph 4 of the particulars of the claim, the Plaintiff pleaded that he fell off an "unattended" ladder while in his viva voce evidence, he testifies that the ladder was controlled or held by an operator whilst he was descending and same was placed on a tile with no grip. She submits that it is trite land that a party is bound by his pleadings. She refers this Court to

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HALSBURY'S LAWS OF ENGLAND, 3RD EDITION VOLUME 30 page 4 under the rubric "Functions of Pleadings". Ms Benjamin submits that the Defendant's case hinges heavily on the fact that the Plaintiff dismounted the ladder in a manner contrary to the Safety Guidelines of the Defendant. The Plaintiff's failure to exercise reasonable care for his own safety is what amounted to contributory negligence, she concludes.

24. Mr. Sangba on this point submits that there is no inconsistency. He argues that the ladder was unattended and unsafe because Gipan who was holding the ladder had abandoned it shortly after the Plaintiff had started dismounting it. The arguments according to Mr. Sangba is strengthened under the heading "*Particulars of Negligence*" in the writ of summons which states that:

"Failure on the part of the employee to hold tight(sic.) the ladder while the Plaintiff was descending from the second floor of the factory".

25. He submits that Gipan's abandoning of the ladder shortly after the Plaintiff's began descending created unusual difficulty for the Plaintiff as there was no way the Plaintiff could have prevented his fall. There is therefore no evidence of contributory negligence.

26. As regards the effect of the breach of the Defendant's breach of duty of care, Mr Sangba narrates that the health of the Plaintiff deteriorated considerably after a scan at the emergency hospital revealed that he had a fractured hip. After several demands on the defendant, it eventually got the Plaintiff admitted at the Treasure Hospital where the Director in charge, one Dr. Bundu advised that a full surgery was required but it could not be done in Sierra Leone due to the lack of advanced medical equipment. The Doctor cautioned that if any operation was done in Sierra Leone, it will only be temporary. He refers to exhibit B21, which is a breakdown of the medical bill showing the cost of the implant as Le 2,550,000.00. Mr. Sangba submits that prior to the local surgery, an Indian Medical expert had advised that the cost of the operation in India would be USD $ 10,000/00.

27. In respect of the Plaintiff allegation regarding prompt medical treatment, Ms. Benjamin for the Defendant submits that at the trial, it was established through the testimonies of PWI, DWI and DW3 that the Plaintiff was immediately rushed to the 34 Military Hospital where scans were conducted, and it was

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found out that no bones were broken; the Plaintiff was discharged and sent home with pain killers. She argues that the 34 Hospital did not at any time recommend surgery as could be gleaned from the witness statements of DW1 and DW2 and Exhibit B47. Miss Benjamin recalls that in his testimony, DW1 referred to a meeting held with the Plaintiff and his family, where the latter rejected his suggestion for more scans and instead opted for treatment by native Doctors. This was corroborated by DW2, who lives in the same house as the Plaintiff. According to DW2, he on two occasions met the Plaintiff at home receiving treatment from a native Doctor. As regards the trip to India, Ms. Benjamin for the Defendant argues that after her client accepted to fund the travel to India including expenses, the Plaintiff wrote back asking for compensation as well. The Plaintiff solicitor also informed the Defendant that his client would rather have the sum of USD $10,000/00 in cash rather than the Defendant using it to pay for the surgery.

THE LAW

28. Most writers put the entry of contributory negligence on the legal scene with the now famous English case of BUTTERFIELD -V- FORRESTER (1809) K.B; 103 ENGLISH REPORT, 1809. In this case, D negligently laid a pole across the highway and P ran into it, although he might have avoided doing so, had he not been 'riding violently' Lord Ellenborough CJ had this to say: "A party is not to cast upon an obstruction which has been made by the fault of another and avail himself of it if he do not himself use common and ordinary caution to be in the right ....one person been in fault will not dispense with another using ordinary care for himself". The phrase has sometimes been referred to as a Plaintiff's neglect of his own safety. This falls under the principle of "assume the risk" of injury if he voluntarily enters a dangerous situation fully aware of the risk involved.

29. The principle behind this defence is that the Plaintiff who voluntarily consents to an activity cannot later sue if injured. Voluntarily assuming risk can either be expressed or implied. Expressed consent may be written, verbal or through any other expressed manifestation. Consent can be implied by the Plaintiff's knowledge of the risk and subsequent conduct. To prove the Plaintiff's impliedly assumed the risk, the Defendant must show:

i. The Plaintiff had actual knowledge of the danger involved.

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ii. The Plaintiff understood and appreciated the risks associated with the danger; and

iii. The Plaintiff voluntarily participated in the activity with full knowledge of the danger.

30. It should be noted that the law of contributory negligence repeals much of the law on negligence. Since damages are asserted in the Plaintiff's negligence claim against the Defendants, the Defendant's contributory negligence charge involves three elements: duty, breach, and causation. Since it is the Defendant who is asserting the contributory negligence claim, he has the burden of proving its elements. If the Defendant is successful in proving contributory negligence, the Plaintiff gets nothing. I shall deal with this aspect shortly as I am of the view that the law on this point is archaic and should be revisited. The English have already reformed the law on contributory negligence by the Law Reform (Contributory Negligence) Act, 1945. This Act made it possible for Judges to make awards of damages to plaintiffs who had been in part responsible, by reason of their own negligence, for causing their injury: prior to this Act, if the plaintiff were at all negligent no damages could be awarded. Sierra Leone maintains the old position.

31. To my mind, there is no justification in either policy or doctrine for the rule of contributory negligence, except for the feeling that if one man is to be held liable because of his action, then the fault of him who seeks to enforce that liability should also be considered. But this notion does not require an all – or – nothing rule, which would exonerate a very negligent defendant for even the slight fault of the victim.

32. The logical corollary of the fault principle would be a rate of comparative or proportional negligence. If I am to find the Plaintiff contributorily negligent, this is the principle I shall apply. The law must be dynamic, and adoption of this principle will not breach any statute.

33. An analysis of the evidence would reveal that the Plaintiff dismounted the ladder unattended as he pleaded in paragraph 4 of his Particulars of claim.

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Although he testified differently when giving evidence, the staff he said held the ladder was no longer working for the Defendant and his whereabout was unknown. DW3 testifies that he was working on the same loft with the Plaintiff on the day of the accident and had dismounted safely on the same ladder which was in the same position from which the Plaintiff later fell from. By attempting to climb down the ladder unattended, the Plaintiff did not exercise reasonable care for his own safety. However, it should be made clear that the use of a ladder by the Defendant is not an efficient way of protecting the workers from harm. The Defendant therefore bears some responsibility for the injury caused to the plaintiff, notwithstanding that it took some care to avoid a reasonably foreseeable harm or that the Plaintiff did not take due care of his own safety.

34. The Plaintiff claims that the Defendant failed to ensure that urgent surgery was performed on him at 34 Military Hospital or any other hospital until after three months when his medical condition had worsened. The evidence, however, reveals that after the accident, the Plaintiff was taken to the 34 Military Hospital where he was treated and discharged: The scan done there did not show any need for surgery. The evidence reveals further that after some time, the family of the Plaintiff informed the Defendant that the injuries could not be cured in the Hospital, but by native treatment. DW2 testifies that he met the Plaintiff on two different occasions receiving treatment from a native doctor. According to him, he tried in vain to convince the Plaintiff to seek treatment in the hospital, but he instead travelled to the provinces with some family members to seek the said treatment. I do not have the competence to determine whether the native treatment improved or worsened the Plaintiff's condition. What is clear is that after the said treatment, there was still the need for the Plaintiff to receive further treatment.

26. Related to the foregoing, is the contention that the Defendant failed to finance the surgery on the Plaintiff in India after expert medical advice. The Defendant argues on the contrary that when it agreed to pay the cost of the treatment in India, the Plaintiff initially asked for compensation in addition and later asked that the money be paid to him. I consider this to be most disappointing as the Plaintiff laid more premium on receiving cash payment than on his own health. However, since the Defendant has re-emphasised its willingness to pay for the Plaintiff's

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medical treatment in India, I shall take it into consideration when making my final award.

27. On the argument as to whether to rely on the WORKMEN'S COMPENSATION ACT, cap. 219, I will refer to the case of MOHAMED BAH -V- AFRICELL (SL) Ltd cc 386/17 (unreported) where I had this to say:

> *"The principle that an employee injured at work can claim no fault compensation under the workman's compensation Act but also damages from the employer if liability in Tort can be established. Use of one system of compensation does not lead to exclusion of the other; there is no employer privilege preventing an employee claiming from both the workmen's compensation Act and Tort. Entitlement to compensation under each regime is grounded upon very different bases. In general, whereas cap 219 requires only proof of work-related injury irrespective of how it occurs, Tort claims is usually grounded on proof of another's wrongdoing".*

28. The Workmen's Compensation Act does not compensate for financial loss such as loss of earning or cost of care. It is only the Tort system that aims to return the Plaintiff as far as possible to the position he was in before the injury. Furthermore, the High Court lacks original jurisdiction in matters relating to Cap 219. On this proposition, I had this to say in the MOHAMED BAH case, "In dealing with this issue, I have looked at the interpretation section (section 3) of Cap 219.Section 3(1) provides that 'Court' means 'Magistrates' Court. Section 22 gives the High Court the power to decide any questions of law submitted to it by the Magistrates' Court and Section 23(1) gives the High Court appellate jurisdiction. On this part, I agree with Counsel for the Plaintiff. It follows therefore that damages, if any, will be computed on the basis of tortious liability.

Measure of damages

29. In his submission on this point, Mr. Sangba copied verbatim my dictum in the case of MOHAMED BAH -V- AFRICELL (ubi supra) without mentioning the source. This is wrong and must not be repeated. The dictum is not his to use without referencing me.

30. In this case, the Plaintiff has claimed both general and special damages. General damages are damages the law presumes follows from the type of wrong complained of; compensatory damages for harm that so frequently result from the tort for which that person has sued that the harm is reasonably expected and need not be alleged or proved. General damages do not need to be specifically proved – BLACK'S LAW DICTIONARY (10th Edition).

31. As I said in the case of IBRAHIM KARGBO -V- SIERRA LEONE GOUJI INVESTMENT & DEVELOPMENT CO. LTD (FTCC 022/2016) Unreported.

> *"The principle governing the assessment of damages in a personal injury matter in Sierra Leone were clearly laid down by Livesey-Luke C.J in IDRISSA CONTEH -V-ABDUH. J KAMARA (1980) Supreme Court Civ App 2/79 (unreported) and applied by the Sierra Leone Court of Appeal In MANKA. S KANU AND HAWA FULLAH delivered on 29th May, 1980 (unreported). Livesey – Luke had this to say: "The most important principle applicable is that general damages must be fair and reasonable compensation for damages suffered and that perfect compensation is not possible or permissible."*

32. The Learned Chief Justice then referred to the statement of DENNING MR in FLETCHER -V- AUTOCAR AND TRANSPORTATION LTD (1968) "2 WLR 743 which reads inter alia at page 748

> *"In the first place, he has attempted to give perfect compensation in money, whereas the law says he should not make that attempt. It is an impossible task.... I think the Judge was wrong to take each item as a separate head of compensation. They are aids in arriving at a fair compensation."*

33. Earlier in his Judgement in the IDRISSA CONTEH CASE, Livesey-Luke C.J had recognised these heads as bodily injuries sustained, the pain and suffering endured, past, present and future to health, loss of amenities, loss of expectation of life and present and future for financial loss. But the Judge is not obliged to state the amount awarded under each head.

34. In the instant case, the Plaintiff is claiming compensation for injuries in the sum of Le1,000,000,000.00 (old Leones). He is also claiming damages for

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breach of duty. With respect, he cannot claim both. It is the alleged breach of duty that led to the injuries and so there can be no separate head for it. If there was no breach of duty by the Defendant, no cause of action for negligence would have been grounded.

35. The Plaintiff particularises his injuries as follows:

a. Hip fracture.

b. Nonunion with the separation of the femoral head from neck and Shaft.

c. Right foot is swollen and unable to work without clutches.

d. Weakness in the leg.

e. The angled plate currently in his body is causing excruciating pain.

36. I have already held that the Plaintiff is contributorily negligent as he attempted to climb down the ladder on his own without due regard to his safety and against the laid down Regulation of the Company which states that "You are to only use a ladder if you are being helped and another staff member is assisting you. You are never allowed to use it alone"

37. I however also held that due to the special circumstances of the case, the contributory negligence cannot be an absolute bar to the Plaintiff's claim as the use of that type of ladder for climbing in a modern workplace is not reasonable. However, the Plaintiff refused to continue receiving treatment at the hospital, but instead opted to receive native medical treatment. I have considered that despite all these developments, the Defendant agreed to meet the cost of medical treatment for the Plaintiff in India. I shall therefore take all of these issues into consideration in arriving at a reasonable compensation for the Plaintiff.

38. Having considered all the factors in this case, I shall award general damages in the sum of Le 400,000,000/00 (old Leones) (Four Hundred Million Leones).

SPECIAL DAMAGES

39. These are damages that are alleged to have been sustained under circumstances of a particular wrong. To be awardable, special damages must

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be specifically claimed and proved. (BLACK'S LAW DICTIONARY, 10th Ed.). I shall consider each of the heads claimed by the Plaintiff as follows:

a) Cost of domestic medication – It is not clear what the Plaintiff means by this. He has also not specifically proved it. This Court is therefore unable to make any award in respect of it.

b) Cost of transportation fare to medical centre – This is an acceptable head as there is evidence that the Plaintiff visited various medical centres. This head of special damage has been proven.

c) Cost of Nursing from the 6th of August, 2018 to the 13th July, 2022. In his witness statement, the Plaintiff alleges that after the accident, he stayed at home for a period of three months while the Defendant failed to provide further medical care. He was assisted during this period and subsequently by his family members. However, since there has been no specific evidence of what was spent, I am unable to make any award.

d) Cost of medical treatment/surgery in India – This head cannot be treated as special damages as there is no evidence that the Plaintiff has paid for and taken the treatment.

e) & f) Salary due and owing and loss of future earnings and terminal benefits – Future earnings cannot be specifically claimed as there is no way of calculating them. This has however been dealt with under general damages.

Terminal benefits:

g) This Court shall order the Ministry of Labour and Social Security to compute the terminal benefits of the Plaintiff since he is below supervisory level.

40. In the circumstance, it is hereby ordered as follows:

1. The Defendant is liable to the Plaintiff for general damages in the sum of Le 400,000,00/00 (old leones)

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d) Cost of medical treatment/surgery in India – This head cannot be treated as special damages as there is no evidence that the Plaintiff has paid for and taken the treatment.

e) & f) Salary due and owing and loss of future earnings and terminal benefits – Future earnings cannot be specifically claimed as there is no way of calculating them. This has however been dealt with under general damages.

Terminal benefits:

g) This Court shall order the Ministry of Labour and Social Security to compute the terminal benefits of the Plaintiff since he is below supervisory level.

40. In the circumstance, it is hereby ordered as follows:

1. The Defendant is liable to the Plaintiff for general damages in the sum of Le 400,000,000/00 (old leones)

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2. The Defendant is liable to the Plaintiff for Special damages in the sum of Le3,000,000.00 (Old Leones)

3. That the Ministry of Labour and Social Security computes the terminal benefits of the Plaintiff which shall be binding on both parties.

4. Costs to be taxed if not agreed.



Hon. Justice Sengu M. Koroma JSC

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