

Doreen Johnson v Caribbean Centre for Development Administration

Citation: [\[2009\] CCJ 3 \(OJ\)](#)
Date of Judgment: 2 March 2009
Nature of Judgment: Judgment on special leave
Composition of the Court: President: M A de la Bastide
Judges: R Nelson, D Pollard, A Saunders, D Bernard, J Wit and D Hayton

CCJ Application No	Parties
AR 2 of 2008	Applicant Doreen Johnson
	Respondent Caribbean Centre for Development Administration

Counsel

- Applicant:
Mr C M Pilgrim, Attorney-at-Law
- Respondent:
Ms C Chase SC, Attorney-at-Law

Nature of Dispute

The dispute involved a claim by Doreen Johnson, a Barbadian national, against her former employer, the Caribbean Centre for Development Administration (CARICAD), alleging *inter alia* abuse of power, wrongful dismissal, violation of the labour laws of Barbados, breach of contract, breach of the Constitution of Barbados, and discrimination on the grounds of nationality under Article 7 of the Revised Treaty of Chaguaramas (RTC). Ms Johnson applied for special leave to commence proceedings against CARICAD under Article 222 of the RTC.

Summary of Legal Conclusions and Orders

- The Court dismissed the application for special leave.
- The Court made no order as to costs.

Legal Provisions at Issue

- Articles 7, 10, 18, 21, 22, 23, 47, 49, 50, 70, 74, 77, 187(c), 211, 216(2), 222, 228, 240(1), 240(2)

Other Relevant Community Law / Material Relied on

- N/A

Past CCJ Case Law

- *TCL v The Caribbean Community* [2009] CCJ 2 (OJ)

Other Sources of International Law

- Article 7 of the United Nations Charter

Facts

The Applicant, a national of Barbados, was employed by CARICAD from 1990 to 2007. On 3 September 2007, after returning from her study leave, the Applicant was served with a termination letter informing her that her position at CARICAD had become redundant with immediate effect.

Findings

The Court found that, although CARICAD is listed under Article 21 as an Institution of the Community, it is not one of the principal Organs or Bodies of CARICOM under Articles 10, 18 and 23 of the RTC. The language establishing the Organs of CARICOM under the RTC is positive and forthright. By contrast, the language used in Article 21 in connection with the Institutions of the Community demonstrates that the Institutions were not intended to be an integral part of the Community. Thus, the Institutions do not enjoy the same degree of identification with the Community as Organs and Bodies in that the work and policies of the Community are effected through the Organs and Bodies rather than the Institutions. The acts or omissions of the Institutions, therefore, do not ostensibly bind or represent the Community. On this basis, CARICAD cannot be sued in proceedings before the Court in its original jurisdiction.

Accordingly, the Court dismissed the application for special leave under Article 222 of the RTC and made no order as to costs.

This summary should not be used as a substitute for the decision of the Caribbean Court of Justice.