



CARIBBEAN COURT OF JUSTICE

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CCJ DISMISSES APPEAL IN WRONGFUL DISMISSAL CASE

Port of Spain, Trinidad and Tobago. On Thursday, 13 November 2025, the Caribbean Court of Justice (CCJ) upheld the Court of Appeal's finding of wrongful dismissal in the case of CCJ Appeal No. BBCV2025/001 *Massy Stores (Barbados) Limited (formerly Super Centre Limited) v Merton Forde*. In this case, Massy Stores, the Appellant, summarily dismissed the Respondent, Mr Forde, a long-standing employee who admitted to an unauthorised taking of the Appellant's property, ('condemned rice'). An employee who is summarily dismissed is given no notice or salary in lieu of notice, but such dismissal is reserved for only very serious misconduct.

The matter was first heard at the Magistrate's Court where the Magistrate found that the Respondent's summary dismissal was disproportionate and wrongful. The Court of Appeal agreed with the Magistrate and found that he had correctly adopted the contextual approach, that is to say, examining the Respondent's actions, utilising a broad assessment of his conduct over the years. Some of the matters considered were the nature and minimal value of the property taken, the length of the employee's service, the employee's record at the company, and the seriousness of the conduct.

On appeal to the CCJ, the majority of the CCJ in a judgment written by Mme Justice Rajnauth-Lee (with Justices Jamadar, Ononaiwu, and Eboe-Osuji concurring) agreed with the Magistrate and Court of Appeal that the Respondent had been wrongfully dismissed. The majority found that the approach of the Magistrate and the Court of Appeal, that is, the contextual approach that takes into account all relevant considerations, was in line with several Barbadian cases through the years. The CCJ underscored that the law relating to summary dismissal must not stand still, but must be responsive to the evolving social values of the Barbadian people, and aligned with the constitutional principles of equality, proportionality, and fairness embraced by both the legislature

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and people of Barbados. The CCJ observed that these principles place a high value on the importance of the dignity of work and the protection of workers' rights.

In addition, the CCJ found that the BS&T Employee's Handbook had been incorporated into the contractual relationship between the parties. However, the disciplinary procedure contained in that Handbook had not been followed. The CCJ emphasised that the Respondent was entitled to a fair hearing and set out certain minimum standards of fairness that ought to be implied into the Handbook.

Mr Justice Eboe-Osuji contributed a separate opinion, underscoring his full concurrence with the lead judgment. He reasoned that the common law has always been in a state of evolution. It is, therefore, entirely appropriate that Barbadian common law, as developed by Barbadian appellate judges, should give value to the considerations of reasonableness and fairness.

The dissenting judgment by Mr Justice Barrow, however, found that none of the factors considered by the Magistrate and Court of Appeal existed according to the evidence and did not mitigate the gravity of the Respondent's dishonest conduct and, therefore, the dismissal was not wrongful.

The matter was heard before the Honourable Justices Rajnuath-Lee, Barrow, Jamadar, Ononaiwu, and Eboe-Osuji. Mr Michael Koeiman represented the Appellant while Mr Tariq Khan represented the Respondent.

The CCJ's full decision is available via www.ccj.org.

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About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Winston Anderson. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final

court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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