



GOVERNMENT OF GIBRALTAR
MINISTRY OF FAMILY, YOUTH & COMMUNITY AFFAIRS
14 Governor's Parade
Gibraltar

PRESS RELEASE

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Industrial Tribunal: Joanna Hernandez v Social Services Agency

The collapse of the case yesterday does not mean that the Agency accepts that Joanna Hernandez was unfairly dismissed. The Agency remains of the view that she was fairly dismissed for good and proper reason. The case collapsed because the Agency was unable to obtain the return to Gibraltar of its principal witness. Without this witness the Agency cannot prove what it must prove – thus entitling Mr Hernandez to win, for that reason.

The Agency repeats what it has said frequently throughout his case, and earlier. All allegations involving the well fare of service users are investigated by management. All allegations made, which indicate the possible commission of a criminal offence are referred to the police, for proper, external and independent investigation. This has happened in relation to the allegations made by Joanna Hernandez. In these circumstances, the Government condemns the statement of Mr Bossano that he believes that the Government, with the alleged participation of the Attorney General and the police, has been trying to cover up allegations. This is preposterous.

Indeed, if Mr Bossano or Joanna Hernandez have further allegations of legal wrongdoing by anyone their duty is to report the matter to the RGP for investigation in the usual and proper manner. The Industrial Tribunal is not the appropriate forum for airing or investigating such allegations, however much Mr Bossano may feel frustrated at what he clearly sees as being deprived of the opportunity to convert this Tribunal into another of his political circuses.

This is best illustrated by Mr Bossano's statement yesterday that he believed that the ex-Chief Executive of the Agency had simply made a recommendation for dismissal and that it was the then Social Services Minister, Yvette Del Agua who ultimately took the decision to fire Ms Hernandez and should have given evidence. This statement by Mr Bossano is false. The decision to terminate Ms Hernandez's contract was taken entirely by the Chief Executive in the exercise of her managerial functions. The Minister's intervention was limited to establishing that the Agency had followed due process and that legal advice had been sought and obtained from the Attorney General's Chambers.

The Agency again calls for anyone who alleges wrongdoing to report it to the management of the Agency, to the RGP or to the Government. However, a constant campaign of innuendo without reporting allegations to the police, is totally unfair on the staff of the Agency who are workers delivering a valuable public service.