



PRESS RELEASE

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GIRALDI MOTION VINDICATES GOVERNMENT'S ACTION AND HIGHLIGHTS OPPOSITION'S HYPOCRISY

The Chief Minister, Hon Fabian Picardo QC MP, yesterday proposed an amendment to the motion presented by the Leader of the Opposition, Hon Daniel Feetham, on the matter of the Dr Giraldi Home Inquiry.

The text of the amended motion was adopted by the Parliament and passed as the substantive motion at the end of the debate.

The motion, as amended and passed, is below:

This House:

"WELCOMES that the Government has fulfilled its commitment to review and investigate allegations of abuse at the Dr Giraldi Home;

RECALLS that the terms of reference of the report, established under the Commissions of Inquiry Act by the Chief Minister were as follows:

1. To inquire into:
 - (a) allegations of mismanagement, misconduct and malpractice (including abuse) at the Dr Giraldi Home contained in witness statements intended to be relied on by Ms Joanna Hernandez in connection with her claim of unfair dismissal by the Social Services Agency; and
 - (b) the conduct of the relevant authorities and agencies in response to, or otherwise in relation to, such allegations.
2. To inquire into such other matters relating to the Dr Giraldi Home as the Chairman of the Inquiry shall, in his absolute discretion, consider appropriate.
3. To find the relevant facts.
4. To report on the above.

NOTES that the report has confirmed that there were instances of mismanagement, misconduct and malpractice (and abuse) at the Dr Giraldi Home, although in the judgement of the Chairman these were at a "lower level";

REGRETS the failure of the GSD administration to conduct an independent public inquiry into the



allegations of deficiencies in the treatment of persons in the Dr Giraldi Home at a time when numerous individuals and organisations in Gibraltar including the then Opposition were asking for it;

CONSIDERS that the position of the present Government in having proceeded with the Inquiry was in the public interest and fully vindicated ;

NOTES that the reasoning advanced by the previous GSD administration for their withdrawal of their defence of the case, namely that they were allegedly unable to locate their allegedly "star witness", Ms Isabella Tosso, previously the Chief Executive Officer of the then Social Services Agency (without whose evidence they said they could not proceed), have been demonstrated by the Inquiry to be entirely false, and which excuses THE HOUSE RESOLVES were blatantly hollow and designed to avoid a full hearing of the Industrial Tribunal case to ensure that that allegations made in the Witness Statements referred to in the terms of reference never saw the light of day;

NOTES that had the spurious and purely technical defence succeeded, the consequence would have been to greatly reduce the level of protection against unfair dismissal afforded to workers in Gibraltar since 1974;

CONDEMNS the previous GSD administration for their attempts to re-interpret employment legislation with spurious and technical arguments, notwithstanding the advice that there was virtually no prospect of success;

COMMENDS the Government for having commissioned the inquiry and publishing the report in full

AND NOW CALLS UPON the Government to go further and publish the transcripts of the hearings also in full on the Government's website."

During the course of the debate, the Hon Joe Bossano MP referred the House to a letter signed by Mr Feetham when he was Joanna Hernandez's first lawyer. That letter set out his advice on the subject of her unfair dismissal.

At the time, Mr Feetham was arguing that reason for dismissal was Ms Hernandez's investigation into mismanagement, misconduct, malpractice and abuse and to avoid those matters being publicly known i.e. for whistle blowing.

Mr Feetham was Chairman of GSD at the time.

Before anyone else in Gibraltar was involved in representing Ms Hernandez, it was Mr Feetham who was saying the Social Services Agency had sacked her to cover up these complaints.

Yesterday, Mr Feetham claimed his tactic was to delay matters so that Ms Hernandez would go over the 52 weeks' time requirement for her to be able to claim for Unfair Dismissal.

Moreover, during the course of the debate Mr Feetham made the extraordinary claim that he was really the person who had won Ms Hernandez's case by his tactics when, in fact, he has spent the years since he became Leader of the GSD persecuting Ms Hernandez with more venom than has ever been seen in



Gibraltar politics. Just that demonstrates Mr Feetham's duplicity in relation to this and many other matters, amongst the numerous further examples of his political hypocrisy which emerged during the course of the debate on the motion yesterday evening.