

MINISTRY OF HEALTH

The complainant who was a student nurse employed at the General Hospital, San Fernando, fell down a flight of steps on 25th December 1963, at the Hospital and on 16th January 1965, slipped on the waxed floor of the Nurses sitting room. As a result of these two (2) accidents, the complainant suffered severe injuries.

As a result of her injuries, she became a paraplegic and was confined to a wheelchair. By the time she brought her complaint to the attention of the Ombudsman in 1978 more than thirteen (13) years had elapsed from the date of her last accident. By that time the limitation period for bringing an action in the Court had expired.

The Solicitor General had advised the Government to deny liability but as the complainant had come with clean hands and having regard to the unfortunate circumstances which had occurred, recommended that she should be granted compensation in the form of an ex-gratia award. This advice was given in 1977 but no action was taken on this advice until 1980 when Cabinet awarded an ex-gratia sum of Two Thousand, Five Hundred and Twenty Dollars, (\$2,520.00). My predecessor was of the opinion that Cabinet had been wrongly advised since the Supervisor of Insurance had recommended the sum of Eighty Six Thousand, One Hundred and Twenty Nine Dollars, (\$86, 129.00), being an estimate of the complainant's loss of earnings which estimate did not include any sum in respect of the complainant's pain, suffering and loss of amenities.

As a result of further delay in the matter, a Special Report was laid in Parliament. On 3rd October, 1990, some nine (9) years after the receipt of the recommendation of the Supervisor of Insurance, the matter was referred to the Solicitor General by the Ministry of Health.

When I assumed Office in 1991, after a careful review of the situation, I recommended that the sum of One Hundred and Fifty Thousand Dollars, (\$150,000.00), in respect of damages for pain, suffering and loss of earnings be paid to the complainant since I considered that she had suffered a grave injustice and that It was time that the matter be brought to a reasonable conclusion.

On the 2nd January 1997, I was informed by the Permanent Secretary, Ministry of the Attorney General, that Cabinet had made an ex-gratia award to the complainant in the sum of Two Hundred and Fifty Thousand Dollars, (\$250,000.00).

More than thirty- two (32) years had elapsed since the complainant had suffered the injuries which had confined her to a wheelchair and more than eighteen (18) years had elapsed since her complaint to the Ombudsman had been made.