

missal from the position of nurse, at the said Hospital, and for breach of agreement.

Mr. W. Wilson appeared for the plaintiff, and Mr. W. N. Watt for the defendants.

Mr. Wilson, in opening the case, said it was not only of great importance to his client, whose means of livelihood greatly depended on the result, but also to the general public. He submitted that he would prove, to the hilt, that the management of the Hospital was bad, and that the way in which his client had been treated was the strongest evidence that the Institution was mismanaged. Mrs. Tierney, being desirous of obtaining training in maternity work, applied for a vacancy at the Maternity Hospital, Belfast. She was appointed on December 1st for a year. On the 9th of February she was dismissed by the Committee. She asked for an explanation, but none was given her. She was simply told "you must go at once."

The plaintiff bore out her counsel's statement. She endeavoured to attribute her dismissal to the fact that she had resented being bitten by a parrot, which was a pet of the matron's, and had consequently lost favour with that lady. She admitted, however, that Miss Ormerod, the matron, had remonstrated with her because her nails were dirty, but said she had just been washing the bath-room floor; she did not state why this was any justification, in her opinion, for attending an operation with her hands in this condition. She also admitted holding a baby by the feet "to take the wind off its stomach." She had "seen that done frequently."

Miss Fitzpatrick, formerly a lady pupil in the Hospital, gave evidence that she considered Nurse Tierney a most suitable nurse. She had never heard of any complaint, or that she used profane language, and ill-treated the patients. As the matron, in her evidence, stated that until Nurse Tierney was engaged they had never had a pupil at the Hospital with previous training, we fail to understand why the evidence of Miss Fitzpatrick as to what constitutes suitability, in a nursing pupil, is of any value.

Mr. Watt, in stating the case for the defendants, said that when Nurse Tierney was engaged she was shown the rules, which empowered the Committee to dismiss a pupil-nurse who was unsuitable. But leaving those rules out of the question, the law of master and servant applied to that case, and if acts of misconduct were proved on the part of the plaintiff, which justified the committee in dismissing her, it was not necessary for them to tell her the reasons for the dismissal.

With this opinion we are unable to concur. We consider that a nurse is entitled at all times

to know the grounds upon which she is dismissed.

Mr. Watt further said that the ultimate question would be whether any of the acts of misconduct took place.

The Committee believed that throughout the wards the plaintiff used profane and strong language, that she struck a patient, M'Glade, with a towel, that she ordered a patient—against the doctor's orders—to get up, saying that it would do her no harm.

Witnesses were called who substantiated these statements, which were denied by Mrs. Tierney.

Miss Ormerod, the matron of the Maternity Hospital, gave evidence that she had complained to the Committee that the plaintiff was untidy, uncleanly, and disobedient.

After the Judge had summed up, he submitted a series of questions to the jury, upon which they consulted for two hours and a half. After the finding of the jury, his Honour held that "The plaintiff had been hired as a pupil, and was therefore subject to the rules. Therefore the Committee had power to dismiss her if she proved unsuitable, and having regard to the findings on the fourth question, the Committee would be perfectly justified in holding her unsuitable. Perfectly irrespective of that, the findings of the jury would entitle the Committee to dismiss the plaintiff, even if the rule did not exist at all. They were entitled to exercise their discretion, and of course under these circumstances the action was not sustainable."

A dismissal on the merits of the case was then entered.

From the evidence before us, we are of opinion that the matron of the Belfast Maternity Hospital only performed her duty when she reported to the Committee that the nurse was "unsuitable for the work of the Institution." All nurses are well aware that cleanliness, in a maternity nurse, is not only a matter of paramount importance, but may be one even of life and death to her patients. Therefore, if Nurse Tierney was untrustworthy in this respect, she was manifestly unsuitable, and the Committee were within their right, and did wisely, in dismissing her. The mistake made by the Committee, in our opinion, was in refusing to give the nurse the reasons for her dismissal. Every member of a public institution has a right to demand, and to receive, the reasons of his or her dismissal from its service. In this instance the reasons were apparently valid and sufficient, and it is to be regretted that the Committee, either from a cowardly dislike of performing a disagreeable duty, or from some other motive, declined to give them, and so gave the nurse a legitimate ground of complaint against them.

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