

# INDUSTRIAL DISPUTES TRIBUNAL

Dispute No: IDT 17/2021

---

## SETTLEMENT OF DISPUTE

BETWEEN

BERGER PAINTS JAMAICA LIMITED

AND

UNION OF CLERICAL ADMINISTRATIVE & SUPERVISORY  
EMPLOYEES

AWARD

I.D.T. DIVISION

MR. ERROL MILLER, JP	-	CHAIRMAN
MR. LESLIE HALL, JP	-	MEMBER
MRS. CHELSIE SHELLIE-VERNON	-	MEMBER

APRIL 25, 2024

IDT 29/2023

INDUSTRIAL DISPUTES TRIBUNAL

AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

BERGER PAINTS JAMAICA LIMITED  
(THE COMPANY)

AND

IAN MCDONALD  
(THE AGGRIEVED)

---

REFERENCE:

By letter dated October 29, 2021, the Honourable Minister of Labour and Social Security pursuant to Section 11A (1)(a)(i) of the Labour Relations and Industrial Disputes Act of 1975 (hereinafter called "the Act"), referred to the Industrial Disputes Tribunal for settlement in accordance with the following Terms of Reference, the industrial dispute described therein: -

The Terms of Reference were as follows:

*"To determine and settle the dispute between Berger Paints Jamaica Limited on the one hand and the Union of Clerical Administrative and Supervisory Employees on the other hand over the termination of the Contract of Employment for Mr. Ian McDonald."*



**DIVISION:**

The division of the Tribunal which was selected in accordance with Section 8(2) (c) of the Act and which dealt with the matter comprised:

Mr. Errol Miller, JP	-	Chairman
Mr. Leslie Hall, JP.	-	Member, Section 8(2) (c) (ii)
Mrs. Chelsie Shellie Vernon	-	Member, Section 8(2) (c) (iii)

**REPRESENTATIVES OF PARTIES:**

The **Company** was represented by:

Mr. Conrad George	-	Attorney-at-Law
-------------------	---	-----------------

In attendance:

Ms. Lyneth Bhairosingh	-	Group Employee Relations Manager
Mrs. Jamilla Ali-Gopaul	-	Employee & Industrial Relations Lead
Ms. Mikelle Sing	-	Industrial Relations & Employees Relations Coordinator

The **Union** was represented by:

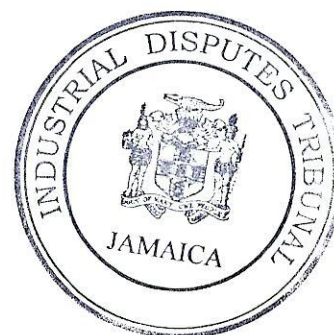
Mr. Robert Harris	-	Industrial Relations Officer
Mr. John Levy	-	General Secretary

In attendance:

Mr. Shaun Robinson	-	Chief Delegate
Mr. Maurice Sawyers	-	Delegate
Ian McDonald	-	Aggrieved Worker

**SUBMISSIONS AND SITTINGS:**

Briefs were submitted by both parties and oral and written submissions made during twenty-one (21) sittings held between March 17, 2022 to June 5, 2023.



*[Signature]*  
2

**REPORT TO THE TRIBUNAL:**

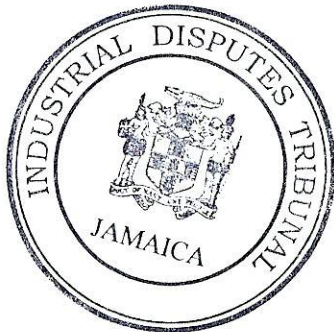
After the 21<sup>st</sup> Sitting the parties informed the Tribunal that they were engaged in local level discussions. By letter dated November 30, 2023, the Union informed the Tribunal that the parties have arrived at an amicable resolution of the dispute and agreed that the terms of the settlement shall remain confidential and not be shared with any third party.


On April 23, 2024, the Tribunal received joint letter dated April 19, 2024, signed by both parties, informing that the dispute had been amicably settled under the above terms.


**AWARD:**

The parties arrived at a settlement as stated in joint letter dated April 19, 2024 (copy attached). The specific terms of the agreement are not included in the Award as the parties did not wish to disclose the settlement.

DATED THIS 25<sup>th</sup> DAY OF APRIL, 2024.




  
.....  
Mr. Errol Miller, JP  
Chairman

  
.....  
Mr. Leslie Hall, JP  
Member

  
.....  
Mrs. Chelsie Shellie-Vernon  
Member

Witness:

  
.....  
Nicola Smith Marriott (Mrs.)  
Secretary to the Division



# BERGER

BERGER PAINTS JAMAICA LIMITED

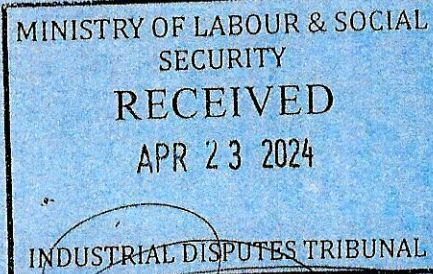
250 Spanish Town Rd.  
P.O. Box, Kingston 11, Jamaica.

Telephone: (876) 923-4226, (876) 923-6755  
Fax: (876) 923-5129

www.bergerpaintsjamaica.com

19<sup>th</sup> April 2024

Mrs. Nicola Smith Marriott  
Assistant Secretary  
Industrial Disputes Tribunal  
4 Ellesmere Road  
Kingston 10



Dear Madam,

Re: Industrial Disputes Tribunal Ref# 17/21  
Dispute between Berger Paints Jamaica Limited and the Union of Clerical Administrative and Supervisory Employees over the termination of Contract of Employment of Mr. Ian McDonald.

Reference is made to the captioned matter.


The parties to the dispute, having completed 14/18 sittings before the Industrial Disputes Tribunal ("IDT"), engaged in bilateral discussions with a view to settle the dispute. The Company initiated these discussions, in furtherance whereof, the Union sought permission from the IDT to vacate the dates that were already set to continue the hearing of the dispute.


After extensive negotiations over the ensuing period, the parties arrived at an amicable resolution of the dispute on 28<sup>th</sup> November 2023. As part of the resultant Memorandum of Agreement, the parties agreed that the terms of the settlement shall remain confidential and not be shared with any third party.

The Union and the Company thank the Tribunal for their patience and support in concluding this matter.

Yours respectfully,

For the Union:

  
Robert Harris  
Union Officer, UCASE

  
John Levy  
Union Officer, UCASE

For the Company:

  
Dwaine Williams (Apr 19, 2024 1:14 EDT)

Dwaine Williams  
General Manager, Berger Paints Jamaica Limited

  
Lynett Bhairsingh (Apr 20, 2024 06:17 EDT)

Lynett Bhairsingh  
Industrial Relations Consultant, ANSA McAL Group

  
Jamilla Ali-Gopaul  
Group Employee & Industrial Relations Manager,  
ANSA McAL Group

Family  ANSA McAL GROUP