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4 Ellesmere Road
Kingston 10

IDT 39/2018

September 7, 2022

Permanent Secretary
Ministry of Labour
1F North Street
Kingston

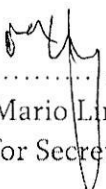
Attention: Mrs. Colette Roberts Riden

Dear Madam,

Re: Dispute between Everglades Farms Limited and Percival Hussey over the termination of
his employment

Enclosed, please see Award handed down by the Industrial Disputes Tribunal in connection
with the captioned dispute.

Yours faithfully,


.....
Mario Ling
for Secretary/Director

Encl.

Similar letter sent to:

Hon. Minister of Labour
Ms. Gillian Corrodus
Mr. Michael Kennedy
Ms. Angela Robertson
Senator Lambert Brown

- Director, Industrial Relations & Allied Services
- Chief Director, Industrial Relations
- Attorney-at-Law
- Industrial Relations Consultant

INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 39/2018

SETTLEMENT OF DISPUTE

BETWEEN

**EVERGLADES FARM LIMITED AND HUSSEY GROUP
OF COMPANIES**

AND

PERCIVAL HUSSEY

AWARD

I.D.T. DIVISION

MR. DONALD ROBERTS, CD., JP. - CHAIRMAN

MRS. JACQUELINE IRONS, JP. - MEMBER

MRS. CHELSIE SHELLIE-VERNON - MEMBER

SEPTEMBER 7, 2022

Dispute No: IDT 39/2018

INDUSTRIAL DISPUTES TRIBUNAL
IN RESPECT OF
AN INDUSTRIAL DISPUTE
BETWEEN
EVERGLADES FARM LIMITED AND HUSSEY GROUP OF COMPANIES
(THE COMPANY)
AND
PERCIVAL HUSSEY
(AGGRIEVED WORKER)

REFERENCE

By letter dated November 15, 2018, the Hon. Minister of Labour and Social Security, pursuant to Section 11A (1)(a)(i) of the Labour Relations and Industrial Disputes Act, 1975 (“the Act”) referred to the Industrial Disputes Tribunal (“Tribunal”) for settlement, the dispute between **Everglades Farm Limited and Hussey Group of Companies and Mr. Percival Hussey** with the following Terms of Reference: -

“To determine and settle the dispute between Everglades Farm Limited and Hussey Group of Companies on the one hand and Percival Hussey on the other hand over the termination of his employment”



DIVISION

The division of the Tribunal selected in accordance with Section 8(2)(c) of the Act to deal with the matter comprised:

Ms. Marsha Smith	-	Chairman
Mrs. Jacqueline Irons, JP	-	Member, Section 8(2)(c)(ii)
Mrs. Chelsie Shellie-Vernon	-	Member, Section 8(2)(c)(iii)

REPRESENTATIVES OF THE PARTIES

The **Company** was represented by:

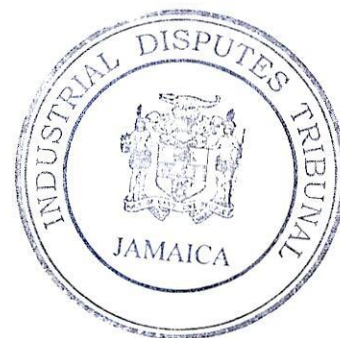
Ms. Debbie Ann Gordon	-	Attorney-at-law
Senator Lambert Brown	-	Industrial Relations Consultant

The **Aggrieved** was represented by:

Ms. Angela Robertson	-	Attorney-at-law
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In attendance:

Ms. Percival Hussey	-	Aggrieved worker
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SUBMISSIONS AND SITTINGS

Prior to the commencement of the Tribunal's sitting, Mrs. Marsh Smith, the chairman appointed to preside over the division demitted office and was replaced by the Hon. Mrs. Justice Marjorie Cole Smith. At its first sitting held on June 8, 2020, the company disagreed with the Terms of Reference and as a consequence, the matter was referred back to the Minister of Labour and Social Security.

The parties were advised by way of a letter dated October 13, 2020 that an amendment to the Terms of Reference was approved by the Minister of Labour and Social Security, and that the revised Terms of Reference reads as follows:

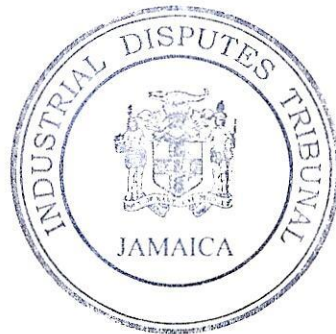
“To determine and settle the dispute between Everglades Farms Limited on the one hand and Percival Hussey on the other hand over the termination of his employment.”

At the second sitting on January 11, 2021, both parties disagreed with the revised Terms of Reference, and the Minister was again asked to consider the matter. On April 20, 2022 the parties were advised that the Hon. Minister has returned the Terms of Reference **“unchanged and unaltered”**, and the Tribunal is to proceed post haste to determine and settle the dispute.

The parties were further advised that consequent on the demitting of office of the Hon. Mrs. Marjorie Cole Smith, the dispute has been reassigned to a division chaired by Mr. Donald Roberts and would, in accordance with the provisions of section 8(4) of the Labour Relations and Industrial Disputes Act, begin *de nova* save and except where the parties **“agree in writing that those proceedings may be continued as if they had not been interrupted...”**

However, attorney for the aggrieved worker, Ms. Angela Robertson, informed the Tribunal in a letter dated August 17, 2022, that her client has instructed her to discontinue the proceedings. The letter (attached), states in part that –

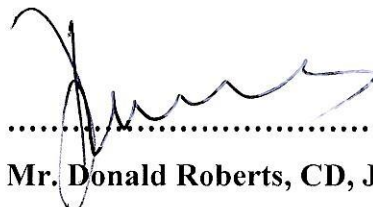
“We have discussed the same with our client who has instructed us to inform the Industrial Disputes Tribunal that after careful consideration of all the factors and correspondence between the parties to date at the local level, he has decided that he will not continue to pursue the above-mentioned matter.”




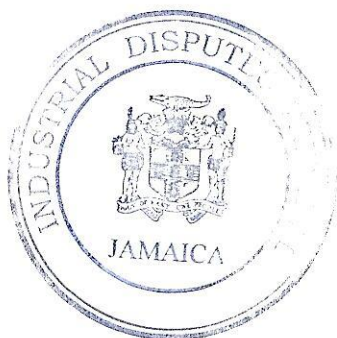
DECISION

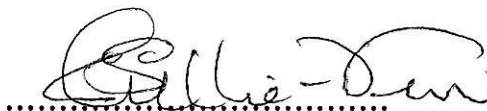
Pursuant to the letter referenced above, the Tribunal will discontinue the proceedings and vacate all dates previously scheduled for sittings.

DATED THIS 7 SEPTEMBER, 2022

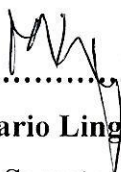

.....
Mr. Donald Roberts, CD, JP
Chairman


.....
Mrs. Jacqueline Irons, JP
Member




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

Witness:


.....
Mr. Mario Ling
Acting Secretary to the Division

BROCARD

ATTORNEYS-AT-LAW

M. ANGELA ROBERTSON

CHRISTOPHER COWAN

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EMAIL info@brocard.com

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EMAIL info@brocard.com

August 17, 2022

Industrial Disputes Tribunal
4 Ellesmere Road
Kingston 10.

ATTENTION: MR. MARIO LING

Dear Sirs:

**RE: DISPUTE BETWEEN EVERGLADES FARMS LIMITED AND PERCIVAL
HUSSEY OVER THE TERMINATION OF HIS EMPLOYMENT - IDT 39/2018**

We acknowledge receipt of your letter dated August 12, 2022 and note the contents.

We have discussed the same with our client who has instructed us to inform the Industrial Disputes Tribunal that after careful consideration of all the factors and correspondence between the parties to date at the local level, he has decided that he will not continue to pursue the abovementioned matter.

In the circumstances, we would request that the dates set be vacated. We apologize for any inconvenience caused.

Yours faithfully
BROCARD

PER:

M. ANGELA ROBERTSON

c.c. Mr. Percival Hussey

