

INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 13/2023

SETTLEMENT OF DISPUTE

BETWEEN

MASTER MACK ENTERPRISES LIMITED

AND

OLIVER LEWIS

AWARD

I.D.T. DIVISION

MR. DONALD ROBERTS, CD., JP.	-	CHAIRMAN
MR. ERROL BECKFORD	-	MEMBER
DR. DENESE MORRISON, JP	-	MEMBER

AUGUST 23, 2023

INDUSTRIAL DISPUTES TRIBUNAL AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

**MASTER MACK ENTERPRISES LIMITED
(THE COMPANY)**

AND

**OLIVER LEWIS
(AGGRIEVED WORKER)**

REFERENCE

The Hon. Minister of Labour and Social Security, by letter dated April 19, 2023, has referred to the Industrial Disputes Tribunal ("herein after referred to as the Tribunal") for settlement the dispute between **Master Mack Enterprises Limited** and **Mr. Oliver Lewis** in accordance with Section 11A (1)(a)(i) of the Labour Relations and Industrial Disputes Act, 1975 ("herein after referred to as the Act"), with the following Terms of Reference:

"To determine and settle the dispute between Master Mack Enterprises Limited on the one hand, and Oliver Lewis on the other hand, over the suspension 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:

Mr. Donald Roberts, CD, JP	-	Chairman
Mr. Errol Beckford	-	Member, Section 8(2)(c)(ii)
Dr. Denese Morrison, JP	-	Member, Section 8(2)(c)(iii)

REPRESENTATIVES OF THE PARTIES

The **Company** was represented by:

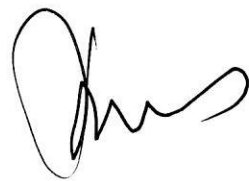
Mr. Arthur Grant	-	Industrial Relations Consultant
Mrs. Wendy McMaster	-	Director

The **Aggrieved worker** was represented by:

Mr. Oliver H. Lewis	-	Aggrieved worker
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SUBMISSIONS AND SITTINGS

1. The Tribunal received briefs from both parties, setting out their respective cases and noted that Mr. Lewis appeared in person before the Tribunal. At the first sitting, Mrs. McMaster apologized for the absence of Mr. Grant, the Company's Representative, and indicated that the Company had a difficulty with the use of the term "suspension" as part of the Terms of Reference. She said that the Company has a right to suspend a worker pending an investigation, and that is what happened in the case of Mr. Lewis. Mr. Lewis, on the other hand, had no issue with the Terms of Reference as read.
2. At the second sitting, held on August 3, 2023, the Company's Representative, Mr. Grant, indicated that they are in agreement with the Terms of Reference, as stated by the Ministry of Labour and Social Security for the Tribunal to "determine and settle" the dispute over Mr. Lewis' "suspension."



3. The parties, having indicated a willingness to try and settle the dispute by negotiation, and having sought the assistance of the Tribunal to do so, the Tribunal, facilitated the request in accordance with section 12(5)(b) of the Act, which states that –

“[The Tribunal] may at any time after such reference encourage the parties to endeavour to settle the dispute by negotiation or conciliation and, if they agree to do so, may assist them in their attempt to do so”.

4. The parties were advised that the scheduled sittings of the Tribunal would continue unless or until a negotiated settlement was reached.

COMPANY’S CASE

5. The Company opened its submission at the second sitting and stated that it intends to rely on evidence which would show that at all material times they adhered to the contractual arrangement existing between Master Mack and Mr. Lewis. It was further said that the Company will demonstrate that Mr. Lewis was treated fairly, and will argue that it was forced to take steps to safeguard against falsification and insubordination. The decision to suspend Mr. Lewis pending an investigation, it was maintained, was entirely a precautionary measure.
6. Mrs. Wendy McMaster was the Company’s first witness. She stated that she is a Director of the Company and oversees matters relating to Human Resource Management. She explained that Mr. Lewis was first employed as a manager at the Portmore location, and subsequently transferred to Old Harbour where he oversaw the C&M Meat section. He was employed on a fixed term contract which commenced on December 7, 2021.
7. She further stated that the contract had a probationary period of six months which was extended for a year. Mrs. McMaster said Mr. Lewis entered into the agreement voluntarily, and had full knowledge of the Company’s rules and regulations which were provided to him during orientation.



PARTIES’ RESPONSE

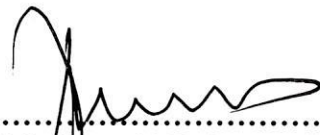
8. Prior to the commencement of the third sitting, the Tribunal was advised that the parties had arrived at a settlement with the assistance of Mrs. Chelsie Shellie Vernon, Member of the Tribunal. The Tribunal is grateful to Mrs. Vernon for facilitating this settlement.


9. By way of a joint letter dated August 14, 2023, the Secretary of the Tribunal was advised “*that the matter has been settled between the parties...*” and that the parties “*have agreed not to disclose the agreed sum.*”


AWARD


10. The duly executed letter of August 14, 2023, herein attached, reflects the full participation of both parties in a settlement agreement, the terms of which have not been disclosed to the Tribunal. Accordingly, the Tribunal will discontinue proceedings and record the settlement in the form of an award.

DATED THIS 23rd DAY OF AUGUST, 2023


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


.....
Mr. Errol Beckford
Member


.....
Dr. Denese Morrison, JP
Member

Witness:

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

From the Desk of Arthur Grant
Industrial Relations Consultant
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arthurgrant.ag@gmail.com
Telephone: 1(876)221-2211

August 14, 2023

IDT 13/2023

The Secretary
Industrial Disputes Tribunal
4 Ellesmere Road
Kingston 10
Jamaica

Attention: Ms. Phillipa Parkinson

Dear Sirs:

Re: Dispute between Master Mack Enterprises Ltd. and Mr. Oliver Lewis over the Suspension of his employment.


Reference is made to the captioned matter.

We write to advise that the matter has been settled between the parties and you may endorse your records to indicate this fact.

The parties have agreed not to disclose the agreed sum.

We use this opportunity to thank the Ministry of Labour and the Industrial Disputes Tribunal for the tireless efforts to have the matter resolved.

Sincerely,


Arthur Grant (Mr.)
Industrial Relations Consultant

Oliver Lewis (Mr.)

