

INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 31/2022

SETTLEMENT OF DISPUTE

BETWEEN

SANGSTER'S BOOKSTORES LIMITED

AND

NATIONAL WORKERS UNION

AWARD

I.D.T. DIVISION

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

MAY 3 , 2023

INDUSTRIAL DISPUTES TRIBUNAL AWARD
IN RESPECT OF
AN INDUSTRIAL DISPUTE
BETWEEN
SANGSTER'S BOOK STORES LIMITED
(THE COMPANY)
AND
NATIONAL WORKERS UNION
(AGGRIEVED WORKER)

REFERENCE

The Hon. Minister of Labour and Social Security, by letter dated September 9, 2022, Ref. No. 1403-1-177 C/A/22/1, has referred to the Industrial Disputes Tribunal ("the Tribunal") for settlement the dispute between **Sangster's Book Stores Limited** and the **National Workers Union** in accordance with Section 11A (1)(a)(i) of the Labour Relations and Industrial Disputes Act, 1975 ("the Act"), with the following Terms of Reference:

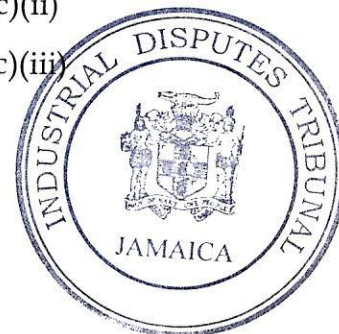
"To determine and settle the dispute between Sangster's Book Stores Limited on the one hand, and the National Workers Union on the other hand, over the Union's claim for increased wages and improved benefits for the Contract Period 2020/2022."



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:

Miss Angela Robertson	-	Attorney-at-law
Mrs. Sheila Smith	-	Human Resource & Administration Manager

The **Union** was represented by:

Mr. Dexroy Martin	-	Assistant Island Supervisor (NWU)
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SUBMISSIONS AND SITTINGS

1. At its first sitting on January 19, 2023 counsel for the company and the representative of the Union advised the Tribunal that the parties have made 'significant progress' in arriving at a settlement. They requested further time to see if a final settlement could be reached. The Tribunal granted them an hour at the end of which they were to report on the progress made.
2. On resumption after the break, both parties advised that a settlement has been reached on the outstanding items and that a joint letter covering the agreement would be submitted to the Tribunal no later than Wednesday, January 25, 2023.

3. The parties requested a modification to the terms of reference as the period of the dispute was for 2020/2021 and not 2020/2022 as reflected in the terms of reference.
4. A letter advising the Minister of Labour of the parties' objection to the terms of reference, along with the verbatim notes of the proceedings, were dispatched on January 25, 2023.
5. The Tribunal was advised of the change in the terms of reference by way of letter dated..... from the Minister of Labour and Social Security, which is set out below:

"To determine and settle the dispute between Sangster's Book Stores Limited on the one hand, and the National Workers Union on the other hand, over the Union's claim for increased wages and improved benefits for the Contract Period 2020/2021."

PARTIES' RESPONSE

6. The attached letter dated February 9, 2023 constitutes the five (5) outstanding items which have been settled and which forms a part of the Heads of Agreement between Sangster's Book Stores Limited and the NWU for the contract period 2020/21.

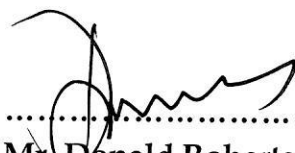



AWARD


7. Having regard to the duly executed Heads of Agreement herein attached, and the terms and conditions contained therein, the Tribunal hereby discontinues its proceedings and record the settlement agreement in the form of an award.

DATED THIS 3rd DAY OF MAY, 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

Attachment

BROCARD

ATTORNEYS-AT-LAW

M. ANGELA ROBERTSON

CHRISTOPHER COWAN

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February 9, 2023

The Industrial Disputes Tribunal
4 Ellesmere Road
Kingston 10

ATTENTION: MR. MARIO LING

Dear Sirs:

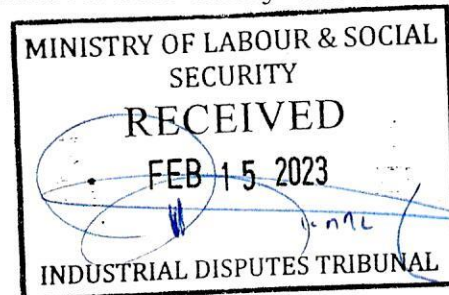
**RE: DISPUTE BETWEEN SANGSTERS BOOK STORES LIMITED AND THE
NATIONAL WORKERS UNION (NWU) HEADS OF AGREEMENT (HOA)
DATED MARCH 4, 2020**

In our meeting on January 19, 2023 (Chairman Mr. Danny Roberts, Members Mr. Errol Beckford and Dr. Denise Morrison), the dispute between Sangster's Book Stores Limited and the NWU over the terms and conditions set out in HOA dated March 4, 2020 should have commenced.

At the start of the meeting the Terms of References (TORs) were read and the parties agreed that the TORs as read did not represent the abovementioned dispute. The TORs reflected a period for which the parties had not commenced negotiations and consequently, no dispute could have been reported to the tribunal for its adjudication. The panel agreed that the TORs would be referred to the Ministry of Labour so that the relevant amendment could be made.

Notwithstanding the above, the parties agreed that the dispute in relation to the HOA dated March 4, 2020 had been settled in the undermentioned terms:

1. Outstanding payment for car upkeep for year two (2) for the four (4) Sales Representatives would be increased from Two Hundred and Twenty Thousand Dollars (\$220,000.00) to Two Hundred and Thirty Thousand Dollars (\$230,000.00);



February 9, 2023

ATTENTION: MR. MARIO LING

**RE: DISPUTE BETWEEN SANGSTERS BOOK STORES LIMITED AND THE
NATIONAL WORKERS UNION (NWU) HEADS OF AGREEMENT (HOA)
DATED MARCH 4, 2020**

2. Uniform and Accessories for 2020 and 2021 for males and would be increased from Eight Thousand Three Hundred Dollars (\$8,300.00) to Nine Thousand Dollars (\$9,000.00) in year one (1) and increased from Nine Thousand Dollars (\$9,000.00) to Nine Thousand Five Hundred Dollars (\$9,500.00) in year two (2);
3. Salary as per the HOA would be varied from four percent (4%) to three percent (3%) per annum for 2020 and from four percent (4%) to three percent (3%) per annum for 2021;
4. The three percent (3%) per annum salary increase for 2020 and 2021 will be included in the February 2023 salary payment;
5. Retroactive salary payment for 2020 and 2021; increase for Uniform and Accessory allowance and payment for year two (2) car upkeep for the Sales Representatives will be paid on April 1, 2023.

The undersigned confirm the above as being accurate and correct and would ask that the Tribunal makes an award accordingly.

Should you have any queries please do not hesitate to discuss the same with the writer.

Yours faithfully,

BROCARD

Per:

M. ANGELA ROBERTSON

NWU

Per:

DEXROY MARTIN

- c. Ms. Sheila Smith
- c. Mr. Khurt Fletcher