

INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 22/2020

SETTLEMENT OF DISPUTE

BETWEEN

SHERWIN-WILLIAMS (WEST INDIES) LIMITED

AND

MR. HOPETON FEARON

AWARD

I.D.T. DIVISION

MR. ERROL MILLER, JP - CHAIRMAN

MR. LESLIE HALL, JP - MEMBER

MR. CLINTON LEWIS - MEMBER

NOVEMBER 16, 2021

INDUSTRIAL DISPUTES TRIBUNAL

AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

**SHERWIN-WILLIAMS (WEST INDIES) LIMITED
(THE COMPANY)**

AND

**MR. HOPETON FEARON
(THE AGGRIEVED)**

REFERENCE:

By letter dated November 2, 2020, 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 Sherwin-Williams (West Indies) Limited on the one hand, and Mr. Hopeton Fearon on the other hand, over the termination of his employment.”

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)
Mr. Clinton Lewis	-	Member, Section 8(2) (c) (iii)

REPRESENTATIVES OF PARTIES:

The **Company** was represented by:

Mr. Gavin Goffe	-	Attorney-at-Law
Mr. Matthew Royal	-	Attorney-at-Law

The **Aggrieved** was represented by:

Mr. Lemar Neale	-	Attorney-at-Law
-----------------	---	-----------------

SUBMISSIONS AND SITTINGS:

Briefs were submitted by both parties and two (2) sittings held between April 16, 2021 and April 22, 2021.

REPORT TO THE TRIBUNAL:

At the 2nd Sitting of the Tribunal held on April 22, 2021, the Company's representative informed the Tribunal that they had arrived at a settlement in principle.

On June 17, 2021, the Tribunal wrote to the parties requesting to be informed of the present status based on discussions from the 2nd sitting. By email dated June 21, 2021, Mr. Lemar Neale, the Aggrieved's representative, informed the Tribunal that the parties had executed an agreement and they were awaiting payment and the dispute is therefore settled.

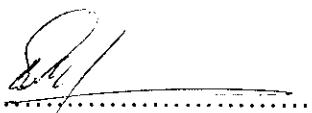
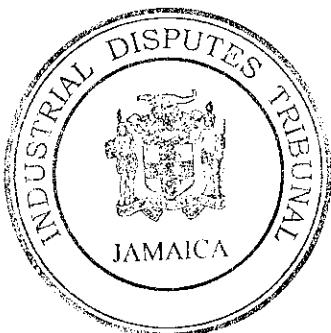
On July 26, 2021, the Tribunal once again wrote to the parties requesting an update, after not receiving a response from the parties, the Tribunal, by letter dated October 7, 2021, informed the parties that hearing will be continued into the matter on November 29, 2021. By email dated

October 8, 2021, Mr. Matthew Royal, the Company's representative, informed the Tribunal that the matter has been resolved at the local level.

AWARD:

The parties arrived at a settlement as communicated in their emails, which are attached, and it is that agreement that constitutes the Award. The specific terms of the agreement are not included in the Award as the parties do not wish for the settlement to be disclosed.

DATED THIS 16th DAY OF NOVEMBER, 2021.



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



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



.....
Mr. Clinton Lewis
Member

Witness:



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

Sherwin-Williams Ltd v. Hopeton Fearon

② 1 ②

②

Matthew Royal <matthew.royal@mfg.com.jm>

Fri 10/8/2021 3:22 PM



②
②
②
②
②

To:

- MLSS IDT

Cc:

- lemar.neale@nealex.pro;
- Gavin Goffe <gavin.goffe@mfg.com.jm>;
- Kesha Grant <kesha.grant@mfg.com.jm>

Dear Ms. Smith Marriott,

It appears we failed to update the Tribunal. The matter has been resolved at the local level. If the Tribunal wishes for the parties to attend on the date fixed to formally announce the settlement please let us know.

Regards,

Matthew A. Royal

Associate, Myers Fletcher & Gordon

Email Matthew.Royal@mfg.com.jm

Address 21 East Street, Kingston Jamaica

Phone [+1 \(876\) 922-5860](tel:+1(876)922-5860) ext 2516

US Toll Free [+1 \(888\) 772-8387](tel:+1(888)772-8387) or [+1 \(888\) 582-4886](tel:+1(888)582-4886)

Fax [+1 \(876\) 922-4811](tel:+1(876)922-4811) Intl. Fax [+1 \(561\) 807-6884](tel:+1(561)807-6884)

Website www.myersfletcher.com

MINISTRY OF LABOUR & SOCIAL

DEPARTMENT

RECEIVED

08 OCT 2021

Industrial Disputes Tribunal

UNA
8.10.2021

Sherwin Williams v. Hopeton Fearon

1

The message sender has requested a read receipt. To send a receipt, [click here](#).

lemar.neale@nealex.pro

Mon 6/21/2021 10:41 PM



To:

- MLSS 1DT;
- 'Lemar Neale' <lemarnealelaw@gmail.com>

Cc:

- 'Andrew Cummings' <andrew.cummings@nealex.pro>;
- 'Lemar Neale' <lemarnealelaw@gmail.com>

Dear Ms Marriott

Thanks for your letter. The parties have executed an agreement and we are awaiting payment. The dispute is therefore settled.

Kindly advise on the procedure to communicate this to the panel. The Company does not wish for the settlement agreement to be disclosed. We are ok with their wish.

Regards,

Lemar Neale

Attorney-at-Law

NEALEX

Attorneys-at-Law

3 West Arcadia Avenue

Kingston 5

Jamaica, W.I.

Telephone: (876) 908-0852; (876) 668-3872

Fax: (876) 668-3872

Skype: nealex

Email: lemar.neale@nealex.pro

Website: www.nealex.pro

