

INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 33/2019

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SETTLEMENT OF DISPUTE

BETWEEN

THE BEAUTY WAREHOUSE

AND

MS. KIMONE PINNOCK

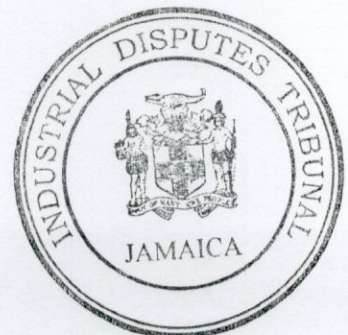
AND THE

***AWARD***

I.D.T. DIVISION

HON. MRS. JUSTICE MARJORIE COLE-SMITH (Retd.)	-	CHAIRMAN
MRS. JACQUELINE IRONS	-	MEMBER
MRS. CHELSIE SHELLIE VERNON	-	MEMBER

MARCH 10, 2020



**IDT 33/2019**

**INDUSTRIAL DISPUTES TRIBUNAL**

**AWARD**

**IN RESPECT OF**

**AN INDUSTRIAL DISPUTE**

**BETWEEN**

**THE BEAUTY WAREHOUSE  
(THE COMPANY)**

**AND**

**MS. KIMONE PINNOCK  
(THE DISMISSED WORKER)**

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**REFERENCE:**

By letter dated September 13, 2019, the Honourable Minister of Labour and Social Security in accordance with Section 11A(1)(a)(i) of the Labour Relations and Industrial Disputes Act (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 was as follows:

***“To determine and settle the dispute between The Beauty Warehouse on the one hand, and Ms. Kimone Pinnock on the other hand, over the termination of her 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:

- Hon. Mrs. Justice Marjorie Cole-Smith (Retd.) - Chairman
- Mrs. Jacqueline Irons, J.P. - 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. Nicholett Hamilton - Attorney-at-Law
- Mr. Aston Lau - Managing Director



The **Dismissed Worker** was represented by:

- Mr. Howard Duncan - Industrial Relations Consultant

**In attendance**

- Ms. Kimone Pinnock - Dismissed worker:

**SUBMISSIONS AND SITTINGS:**

Briefs were submitted by both parties and two (2) sittings held on January 27, 2020 and February 13, 2020.

**SETTLEMENT AGREEMENT:**

At the 2<sup>nd</sup> sitting of the Tribunal the parties were encouraged by the Tribunal to have discussions to see whether they could arrive at a settlement. They were unable to resolve the dispute and hence they sought the assistance of the Tribunal.

In accordance with the provisions of Section 12 (5) (b) of the Labour Relations and Industrial Disputes Act (LRIDA):

“Notwithstanding anything to the contrary, where any industrial dispute has been referred

to the Tribunal-

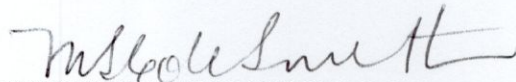
(b) it may at any time after such reference encourage the parties to endeavour to settle the dispute by negotiation or conciliation and, if they agree to do so, may assist them in their attempt to do so;"

The Tribunal conciliated the dispute which resulted in an agreement being reached by both parties. The agreement forms the basis for this Award.

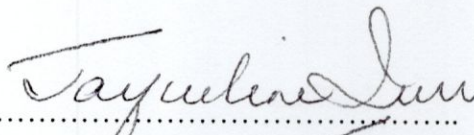
**AWARD:**

The attached Heads of Agreement dated February 13, 2020 executed under the Signature of all parties to this dispute constitutes the Award.


DATED THIS 10<sup>th</sup> DAY OF MARCH 2020

  
.....

Justice Marjorie Cole-Smith (Retd.)  
Chairman


  
.....

Jacqueline Irons, J.P.  
Member

  
.....

Chelsie Shellie-Vernon  
Member

Witness:

  
.....

Royette Creary (Miss)  
Secretary to the Division



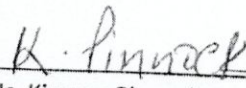
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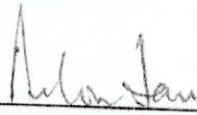
**HEADS OF ASGREEMENT REACHED BETWEEN THE BEAUTY WAREHOUSE AND MS. KIMONE PINNOCK on February 13, 2020.**

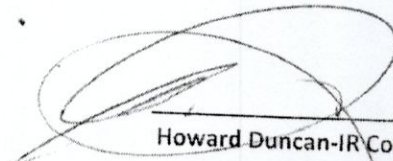
The parties have agreed to the following:


- 1) That Ms. Kimone Pinnock will be paid the amount of Three Hundred and Fifty Thousand Dollars(\$350,000.00) by way of a manager's cheque
- 2) That the payment will be delivered to the Offices of Howard Duncan located at 52 Duke Street, Kingston by February 28, 2020.
- 3) That Ms. Kimone Pinnock will receive a recommendation from Beauty Warehouse and that she tender her resignation with effective date January 23, 2016. The resignation will be acknowledged by a written response from The Beauty Warehouse accepting same.
- 4) That the settlement represents full and final payment of all claims against The Beauty Warehouse

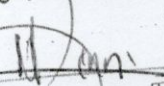
Sign

  
 \_\_\_\_\_  
 Ms. Kimone Pinnock

  
 \_\_\_\_\_  
 Mr. Aston Lau-Director

  
 \_\_\_\_\_  
 Howard Duncan-IR Consultant

  
 \_\_\_\_\_  
 Ms. Nicholett Hamilton-Attorney-at-Law

MINISTRY OF LABOUR & SOCIAL SECURITY  
**RECEIVED**  
 03 MAR 2020  
  
 Industrial Disputes Tribunal