

13
INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 28/2014

SETTLEMENT OF DISPUTE

BETWEEN

DUNROBIN PRIMARY SCHOOL

AND

MR. CORNELIUS WATSON AND MRS. YVONNE WATSON

AND THE

AWARD

I.D.T. DIVISION

MR. CHARLES JONES, CD JP	-	CHAIRMAN
MR. LESLIE HALL	-	MEMBER
MR. CLINTON LEWIS	-	MEMBER

APRIL 16, 2015

IDT 28/2014

INDUSTRIAL DISPUTES TRIBUNAL

AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

DUNROBIN PRIMARY SCHOOL

AND

MR. CORNELIUS WATSON AND MRS. YVONNE WATSON

REFERENCE:

By letter dated July 1, 2014 the Honourable Minister of Labour and Social Security pursuant to 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 were as follows:

"To determine and settle the dispute between Dunrobin Primary School on the one hand, and Mr. Cornelius Watson and Mrs. Yvonne Watson on the other hand over the termination of their 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. Charles Jones, CD JP - Chairman
- Mr. Leslie Hall - Member, Section 8(2)(c)(ii)
- Mr. Clinton Lewis - Member, Section 8(2)(c)(iii)

REPRESENTATIVES OF PARTIES:

The School was not represented.

The Aggrieved Workers were represented by:

- Mrs. Frances Jeanne Barnes - Attorney-at-Law

In attendance were:

- Mr. Cornelius Watson - Aggrieved Worker
- Mrs. Yvonne Watson - Aggrieved Worker

SUBMISSIONS AND SITTINGS:

Briefs were submitted by the aggrieved parties only. Three sittings were called to order. The first two held on October 15, 2014 and March 12, 2015, could not proceed as there was no representative from the Dunrobin Primary School in attendance.

At the Second Sitting on March 12, 2015, the Tribunal decided and instructed the Secretary of the Division of the Tribunal, to inform the Principal of the Dunrobin Primary School that the Tribunal would commence hearing this matter on March 27, 2015 and advise him that he or another representative from the School should be in attendance,

failing which the Tribunal would proceed to hear the matter *ex parte*. This is in accordance with the provisions of Section 16A of the Labour Relations and Industrial Disputes Act.

The Tribunal met on March 27, 2015 and again there was no representative from the Dunrobin Primary School. After ascertaining from the Secretary of the Division of the Tribunal that letters with the Tribunal's decision had been sent to the Principal and the Chairman of the School Board, and that contact was also made with the Principal's Secretary, the Tribunal proceeded to hear the matter *ex parte*.

BACKGROUND TO THE DISPUTE:

Mr. Cornelius Watson was employed to the Dunrobin Primary School to perform the duties of Grounds-man, and his wife, Mrs. Yvonne Watson, was employed to perform the duties of Janitor. On Friday, September 6, 2013 they each received letters dated September 5, signed by Mr. Noel Watt, Principal, advising them that their services would no longer be required as of Monday, September 9, 2013.

The Watsons reported the matter to the Ministry of Labour and Social Security, but efforts to hold meetings at the Ministry to arrive at a settlement were unsuccessful as the Principal failed to attend. Consequently, the Honourable Minister of Labour and Social Security referred the dispute to the Industrial Disputes Tribunal for settlement.

THE SCHOOL'S CASE:

The disregard shown to the Tribunal by the administration of the Dunrobin Primary School resulted in the matter being heard *ex parte*.

THE AGGRIEVED WORKERS' CASE:

The case for the Watsons was presented by Mrs. Frances Barnes, Attorney-at-law, who submitted the following.

Mr. Cornelius Watson was employed to the Dunrobin Primary School to perform the duties of Grounds-man since September 3, 2007. He not only worked on week days, but was also engaged to clean the premises on Saturdays and Sundays for which he was compensated.

Mrs. Yvonne Watson was employed to the School from September 2005 to perform the duties of Janitor. Her duties inter alia included cleaning the student bathrooms.

During the period of their employment they were not paid salary during school holidays, nor did they receive vacation leave or pay in lieu thereof. The Attorney further stated that on September 6, 2013 they received letters terminating their services stating as the reason "budgetary constrain[t]s". They received no notice of dismissal, or pay in lieu of notice, no vacation leave pay and no redundancy payments. It was therefore the Watsons' contention that as a result of the Principal's "egregious and unlawful conduct" they had suffered loss and damage.

DELIBERATIONS:

The Tribunal in its deliberations noted that Mr. and Mrs. Watson were in effect summarily dismissed by the Principal, by way of a terse letter dated September 5, 2013, on account of what he described as budgetary constraints.

The Members of the Tribunal found it difficult to understand whether in dismissing Mr. and Mrs. Watson, the duties they performed, that is, the cleaning and sanitizing of the school classrooms and compound, would now no longer be necessary, and concluded that this could not be so. Bearing in mind that the School should and must be kept clean, the reason advanced for the dismissals of the Watsons appears to be without merit. Certainly,

it is difficult to understand that there would have been no funds provided for the very important area of sanitation.

FINDINGS:

The Tribunal finds that the dismissals of Mr. and Mrs. Watson were not only in breach of the Labour Relations Code, but was done without any apparent regard for their welfare, by virtue of the fact that they both became unemployed at the same time. It is even more significant, taking into consideration that their dismissals came without accusations or disciplinary charges arising out of any breach of conduct and are therefore deemed unjustifiable.

AWARD:

The Tribunal awards that Mr. and Mrs. Watson should be compensated in the amount of Three Hundred and Fifty Thousand Dollars (\$350,000.00) each.

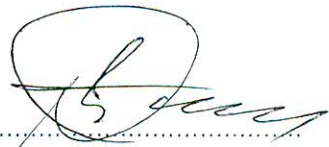
DATED THIS 16TH DAY OF APRIL 2015.

Witness:

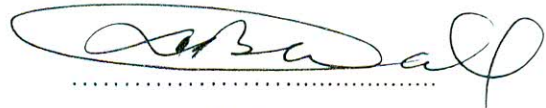

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Nicola Smith Marriott (Mrs)
Secretary to the Division




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Mr Charles Jones, CD JP
Chairman


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Mr. Leslie Hall
Member


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Mr. Clinton Lewis
Member