

# INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 14/2019

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SETTLEMENT OF DISPUTE

BETWEEN

GOMEX INSTITUTE OF TECHNOLOGY

AND

MR. FLOYD MONCRIEFFE

AND THE

*AWARD*

I.D.T. DIVISION



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

JULY 15, 2020

**INDUSTRIAL DISPUTES TRIBUNAL**

***AWARD***

**IN RESPECT OF**

**AN INDUSTRIAL DISPUTE**

**BETWEEN**

**GOMEX INSTITUTE OF TECHNOLOGY  
(THE COMPANY)**

**AND**

**MR. FLOYD MONCRIEFFE  
(THE DISMISSED WORKER)**

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**REFERENCE:**

By letter dated April 15, 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 Gomex Institute of Technology on the one hand and Mr. Floyd Moncrieffe 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:

- |   |   |                                |
|---|---|--------------------------------|
| 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:

- |                       |   |                                 |
|-----------------------|---|---------------------------------|
| Senator Lambert Brown | - | Industrial Relations Consultant |
| Mr. Andrew Gordon     | - | Principal                       |

The **Dismissed Worker** was represented by:

- |                    |   |                 |
|--------------------|---|-----------------|
| Mr. Jerome Spencer | - | Attorney-at-Law |
|--------------------|---|-----------------|

**In attendance:**

- |                      |   |                  |
|----------------------|---|------------------|
| Mr. Floyd Moncrieffe | - | Dismissed Worker |
|----------------------|---|------------------|



**SUBMISSIONS AND SITTINGS:**

Briefs were submitted by the Company. At the 1<sup>st</sup> sitting of the Tribunal held on August 26, 2019 the Company disagreed with the Terms of Reference. Consequently, the Terms of Reference was sent back to the Ministry of Labour for the Honourable Minister to give consideration to amending same.

By letter dated October 7, 2019 under the directive of the Honourable Minister, the Tribunal was informed that the Terms of Reference remains unchanged. At the 2<sup>nd</sup> sitting of the Tribunal both parties informed the Tribunal that they were having local level discussions and as such, asked for additional time to have further discussions with a view to settling same. The request was granted with the understanding that if the parties failed to reach a settlement, the Tribunal would proceed to hear the dispute on March 23, 2020. The meeting scheduled for March 23, 2020 was cancelled due to Covid 19. The parties, however, informed the Tribunal that they were having fruitful discussions and that they were close to a settlement.

**REPORT TO THE TRIBUNAL:**

By letter dated June 5, 2020 the Aggrieved Worker's representative informed the Tribunal that the parties have settled the dispute but require additional time to finalize the agreement. On July 6, 2020 the parties submitted a joint letter to the Tribunal confirming the confidential settlement agreement.

**AWARD:**

The parties having arrived at a Settlement/Agreement as manifested in the form of a Joint Notice of Discontinuance dated July 6, 2020, a copy of which is attached, it is that agreement which constitutes this Award. The parties have agreed that the terms of the said settlement remain confidential.

DATED THIS <sup>15<sup>th</sup></sup> DAY OF JULY, 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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**JEROME D. SPENCER**  
Attorney-at-Law

July 6, 2020

Industrial Disputes Tribunal  
4 Ellesmere Road  
Kingston 10

**BY BEARER**

**Attention: Ms. Royette Creary**

Dear Sirs:

**Re: Dispute between Gomex Institute of Technology and Mr. Floyd Moncrieffe over the termination of his employment**

We refer to the captioned matter.

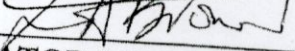
We write to inform that the parties to the captioned dispute have reached an agreement to have it resolved. The parties have agreed that the terms of the agreement should remain confidential. We therefore ask that the dispute be withdrawn from the consideration of the Industrial Dispute Tribunal.

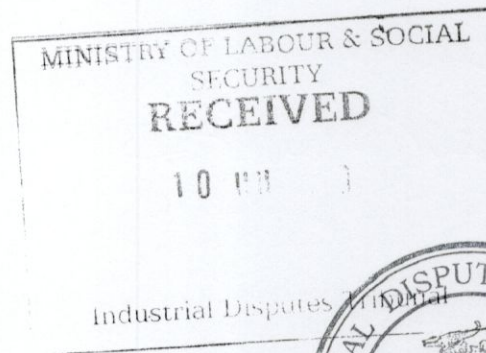
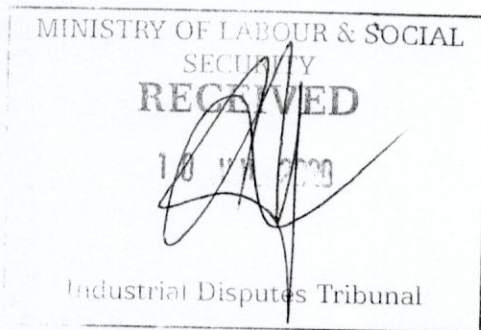
Yours truly:

Per: 

**JEROME D. SPENCER**  
Attorney-at-Law for Floyd Moncrieffe

Yours truly:

Per:   
**SENATOR LAMBERT BROWN**  
Consultant and Representative for  
Gomex Institute of Technology



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