IDT 47/2013

INDUSTRIAL DISPUTES TRIBUNAL

CLARIFICATION/INTERPRETATION OF AN AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

NEW ERA FINANCE LIMITED

AND

MS. MAUREEN HASSAN

REFERENCE:

By letter dated November 26, 2013 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 New Era Finance Limited on the one hand and Ms. Maureen Hassan on the other hand over the termination of her employment."*

REQUEST FOR CLARIFICATION/INTERPRETATION – AWARD 47/2013

By letter dated July 08, 2015, Mr. Alexander Williams Legal Counsel representing Maureen Hassan wrote to the Tribunal requesting Clarification of Section (a) of said Award which reads as follows:

AWARD:

"(a) She be reinstated by July 20, 2015..."

Essentially, the clarification sought is to ascertain if where *'REINSTATEMENT'* is implemented, would retroactive payment of wages lost during the period of dismissal be applicable.

The Tribunal heard submissions from both parties and accordingly makes the following Clarification/Interpretation:

> Simply put, reinstatement requires that the worker affected be restored to the position that was held at the time of the dismissal, together with all rights, privileges and benefits, including remuneration to which they were entitled at the time the service was terminated.

We accordingly, emphasize that REINSTATEMENT means that the worker affected should be restored in the position, with all rights, privileges and benefits including remuneration attached to that position as if said worker had not been dismissed.