

INDUSTRIAL DISPUTES TRIBUNAL

Dispute No: IDT 15/2015

SETTLEMENT OF DISPUTE

BETWEEN

PETROJAM LIMITED

AND

PETROLEUM WORKERS' ASSOCIATION

(Affiliate of the Union of Clerical, Administrative and Supervisory Management)

AND THE

AWARD

I.D.T. DIVISION

MR. DONOVAN HUNTER	-	CHAIRMAN
MR. LESLIE HALL	-	MEMBER
MR. DWIGHT NELSON, C.D., J.P.	-	MEMBER

SEPTEMBER १, 2016

IDT 15/2015

INDUSTRIAL DISPUTES TRIBUNAL

AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

**PETROJAM LIMITED
(THE COMPANY)**

AND

**PETROLEUM WORKERS' ASSOCIATION
(THE ASSOCIATION)
(An Affiliate of UCASE)**

REFERENCE:

By letter dated June 4, 2015 the Honourable Minister of Labour and Social Security in accordance with Section 9(3) 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 Petroleum Workers' Associations (an affiliate of the Union of Clerical, Administrative and Supervisory Employees) on the one hand and Petrojam Limited on the other hand over the Union's claim for a discomfort allowance."

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. Donovan Hunter - Chairman
- Mr. Leslie Hall - Member, Section 8(2) (c) (ii)
- Mr. Dwight Nelson, C.D, J.P, - Member, Section 8(2) (c) (iii)

REPRESENTATIVES OF THE PARTIES:

The **Company** was represented by:

- Ms. Angela Robertson - Attorney-at-Law
- Ms. Rose Lee Scott Heron - Human Resources Manager

The Association was represented by:

- Mr. Vincent Morrison - President
- Mr. John Levy - General Secretary
- Mr. Linton Coke - Delegate

SUBMISSIONS AND SITTINGS:

Briefs were submitted by both parties and at the 3rd sitting of the Tribunal, the parties agreed to go back to the local level.

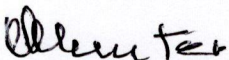
REPORT TO THE TRIBUNAL

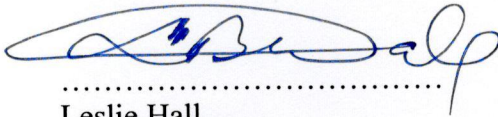
By letter dated August 25, 2016 the Company wrote to the Tribunal and enclosed a copy of the Agreement between the Petrojam Limited and Petroleum Workers' Association (an affiliate of the Union of Clerical, Administrative and Supervisory Employees) disclosing the settlement of the dispute.

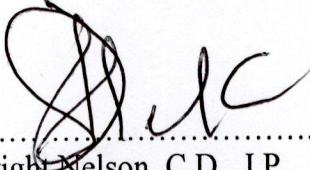
AWARD:

The attached Agreement dated August 25, 2016 executed under the Signature of all parties to this dispute constitutes the Award.

DATED THIS 7th DAY OF SEPTEMBER

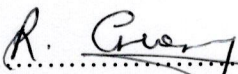

.....
Donovan Hunter
Chairman


.....
Leslie Hall
Member


.....
Dwight Nelson, C.D., J.P.
Member



Witness:

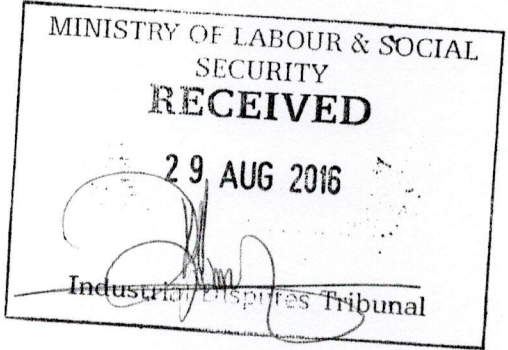

.....
Royette Creary (Miss)
Secretary to the Division



SERVING JAMAICA'S ENERGY NEEDS
P. O. Box 241, 96 Marcus Garvey Drive, Kingston 15, Jamaica, W.I.
Telephone: (876) 923-8611-5 / 923-8814-8 Fax: (876) 923-5698
E-mail: pjsys@cwjamaica.com

August 25, 2016

Industrial Disputes Tribunal
4 Ellesmere Road
Kingston 10.



ATTENTION: Ms. ROYETTE CREARY

Dear Sirs:

RE: YOUR REFERENCE NO. IDT 15/2015
DISPUTE BETWEEN PETROJAM LIMITED AND THE PETROLEUM WORKERS ASSOCIATION (AN AFFILIATE OF THE UNION OF CLERICAL ADMINISTRATIVE AND SUPERVISORY EMPLOYEES) OVER THE UNION'S CLAIM FOR A DISCOMFORT ALLOWANCE

We the undersigned hereby confirm that the Minister of Finance by letter dated November 19, 2015 ("the Letter") in response to a letter dated May 11, 2015 from the Minister of Science, Technology, Energy & Mining informed the said Minister that the abovementioned dispute may be settled on the terms and conditions set out in the Letter. The parties to the dispute were informed of the contents of the Letter and accordingly reviewed the same. As a consequence the undersigned further confirm that we have agreed to and accepted the terms and conditions set out in the Letter as the basis for settlement of the above-mentioned dispute.

The terms and conditions of the settlement are as follows:

- (i) "Approval has been granted for the payment of an Unusual Discomfiture Allowance for employees at Petrojam Ltd with effect from April 1 2015, (the request for rates to be applied for the period April 1, 2012 to December 31 2014 represents a breach of Government's policy, that is, "no introduction of new allowances and no monetary increases for the period of restraint").
- (ii) The Allowance is approved at the following rates:

Percentage (%) Exposure	Rates (\$) per month
1 - 30	\$ 5,000.00
31 - 60	\$ 10,000.00
61 - 100	\$ 12,500.00

DIRECTORS: Williams Martinez (Chairman), Dr. Perceval Bahado-Singh, Richard Creary, Harold Malcolm, Jesús Sánchez, César Milano, Carlos Rauseo, Tamara Robinson (Corporate Secretary), Winston L. Watson (General Manager)

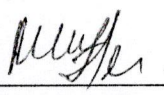
- (iii) The Allowance will be in place for three (3) years (April 2015 – March 2018) at which time payment will cease and all corrective measures should have been taken.

- (iv) There shall be no increase in the rates over the three (3) year period without the approval of the Ministry of Finance and Planning (Strategic Human Resource Management Division (SHRMD)).

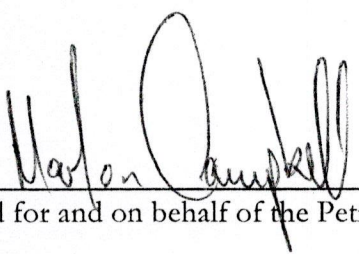
In light of the above we would therefore request that the Tribunal incorporate the terms and conditions of the Letter in your Award in this matter.

We would be obliged if the Tribunal would accede to this joint request. Your co-operation in this regard is anticipated.

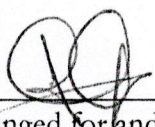
Yours truly,



Signed for and on behalf of Petrojam Limited:



Signed for and on behalf of the Petroleum Workers Association:



Signed for and on behalf of the Union of Clerical Administrative and Supervisory Employees:

