INDUSTRIAL DISPUTES TRIBUNAL
DISPUTE NO: IDT 38/2019

SETTLEMENT OF DISPUTE

BETWEEN

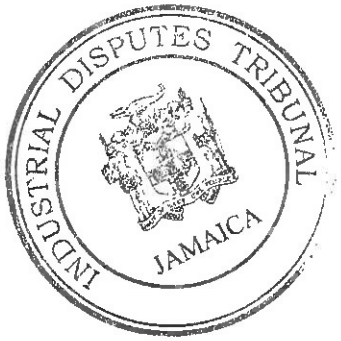
SANDALS MONTEGO BAY

AND

KHADINE DALEY

AND THE

AWARD



I.D.T. WESTERN DIVISION

MS. SADEERA SHAW	-	CHAIRMAN
MR. RODCLIFFE ROBERTSON	-	MEMBER
MR. KEITH FAGAN	-	MEMBER

AUGUST 12 , 2020

5

IDT 38/2019

INDUSTRIAL DISPUTES TRIBUNAL

AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

SANDALS MONTEGO BAY
(THE COMPANY)

AND

KHADINE DALEY
(THE AGGRIEVED)



REFERENCE:

By letter dated October 4, 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:-

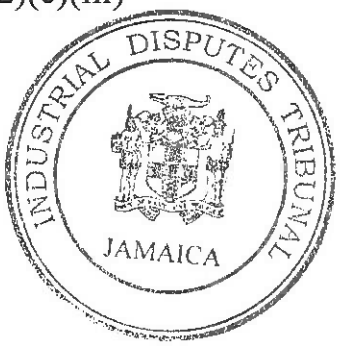
The Terms of Reference were as follows:

> ***"To determine and settle the dispute between Sandals Montego Bay on the one hand and Miss Khadine Daley 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:

Ms. Sadeera Shaw	-	Chairman
Mr. Rodcliffe Robertson	-	Member, Section 8 (2)(c)(ii)
Mr. Keith Fagan	-	Member, Section 8 (2)(c)(iii)



REPRESENTATIVES OF THE PARTIES:

The Company was represented by:

Mr. Howard Duncan	-	Industrial Relations Consultant

In attendance was:

Mr. Herbert Richards	-	Human Resources Manager

The Aggrieved was represented by:

Mr. Alexi Hull	-	Industrial Relations Consultant

In attendance was:

Ms. Khadine Daley	-	Aggrieved

SUBMISSIONS AND SITTINGS:

Briefs were submitted by both parties and two (2) sittings held on July 9, 2020.

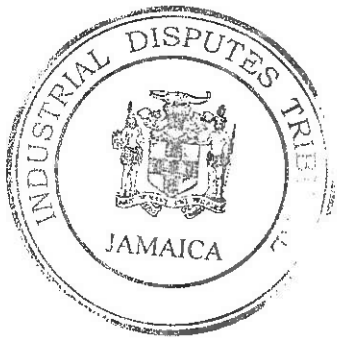
SETTLEMENT AGREEMENT:

At the 1st sitting of the Tribunal, the parties were of the view that this is a matter that could be settled and 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 the parties in the 2nd sitting of the Tribunal. The agreement forms the basis for this Award.



AWARD

The attached Heads of Agreement dated July 9, 2020 executed under the Signature of all the parties to the dispute constitutes the Award.

DATED THIS 12 13 DAY OF AUGUST 2020

.....
Sadeera Shaw
Chairman

.....
Rodcliffe Robertson
Member

.....
Keith Fagan
Member

.....
Witness
Phillippa Parkinson
Secretary to the Division

INDUSTRIAL DISPUTES TRIBUNAL
JAMAICA

Heads of agreement reached between Sandals Montego Bay and Ms. Khadine Daley on July 9, 2020.

The parties have agreed to the following:

1. Sandals Montego Bay will pay Ms. Khadine Daley the amount of Three Million Five Hundred Thousand Dollars ($3,500,000.00)JMD by way of electronic transfer to her personal Bank Account.

2. The amount of Three Million Five Hundred Thousand Dollars ($3,500,000.00) JMD will be paid by August 30, 2020.

3. Sandals Montego Bay will withdraw their letter of termination dated July 31, 2018 to Ms. Khadine Daley.

4. Ms. Khadine Daley will in turn submit a resignation letter with an effective date of July 31, 2018. The resignation will be acknowledged by a written response from Sandals Montego Bay accepting same.

5. Sandals Montego Bay will provide Ms. Khadine Daley with a letter of Recommendation/Reference upon request for future employment.

6. That the settlement represents full and final payment of all claims against Sandals Montego Bay.

Sign:

Ms. Khadine Daley

Mr. Alex Hull, - Aggrieved's Rep.

Mr. Herbert Richards – HR Manager

Mr. Howard Duncan, - Company's Rep.