

INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 14/2022

SETTLEMENT OF DISPUTE

BETWEEN

KENNETH LOUSHUSAN & SONS LTD
t/a LOSHUSAN SUPERMARKET

AND

KEVIN BENNETT

AWARD

I.D.T. DIVISION

MR. DONALD ROBERTS, CD., JP. - CHAIRMAN

MRS. JACQUELINE IRONS, JP. - MEMBER

DR. DENESE MORRISON, JP. - MEMBER

NOVEMBER 14, 2022

Dispute No: IDT 14/2022

INDUSTRIAL DISPUTES TRIBUNAL AWARD
IN RESPECT OF
AN INDUSTRIAL DISPUTE BETWEEN
KENNETH LOSHUSAN & SONS LTD t/a LOSHUSAN SUPERMARKET
(THE COMPANY)
AND
KEVIN BENNETT
(AGGRIEVED WORKER)

REFERENCE

The Hon. Minister of Labour and Social Security, by letter dated March 8, 2022, Ref. No. A5800, has referred to the Industrial Disputes Tribunal ("IDT") for settlement the dispute between Ken Loushusan & Sons Limited t/a Loushusan Supermarket and Mr. Kevin Bennett in accordance with Section 11A (1)(a)(i) of the Labour Relations and Industrial Disputes Act, 1975 ("the Act"), with the following Terms of Reference:

"To determine and settle the dispute between Kenneth Loushusan & Sons Ltd t/a Loushusan Supermarket on the one hand and Mr. Kevin Bennett on the other hand, over the termination of his contract of employment."



DIVISION

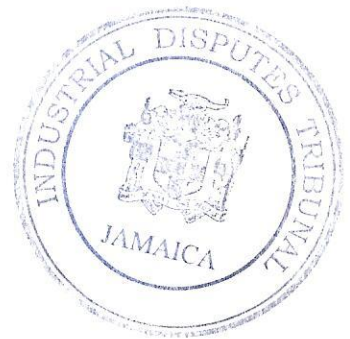
The division of the Tribunal selected in accordance with Section 8(2)(c) of the Act to deal with the matter comprised:

Mr. Donald Roberts, CD, JP	-	Chairman
Mrs. Jacqueline Irons, JP	-	Member, Section 8(2)(c)(ii)
Dr. Denese Morrison, JP	-	Member, Section 8(2)(c)(iii)

REPRESENTATIVES OF THE PARTIES

The Company was represented by:

Miss M. Angela Robertson	-	Attorney-at-law
Mr. Christopher Cowan	-	Attorney-at-law
Ms. Laura Loshus	-	Management



The Aggrieved worker was represented by:

Mr. Nicholas A. Kellyman	-	Attorney-at-Law
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SUBMISSIONS AND SITTINGS

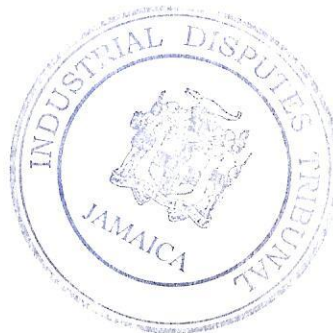
1. The Tribunal received a brief from Mr. Nicholas Kellyman representing the aggrieved worker; however, no brief was received on behalf of the Company. Schedule dates for sittings were vacated as the Tribunal, pursuant to section 12(5)(b) of the Labour Relations and Industrial Disputes Act, sought to facilitate a request from the parties for more time to engage in local level discussions with a view to arriving at a settlement.
2. On September 23, 2022 Mr. Kellyman, in an email to the Tribunal, advised that *"both parties were in discussions and came to an agreement which was formally executed..."* Notwithstanding the agreement he said that his client could not discontinue the proceedings because the *"discontinuance of proceedings was*

contingent on payment being made in accordance with the aforesaid formal agreement...", and up to that time his client had not received payment.

3. A sitting scheduled by the Tribunal for September 27, 2022 was cancelled at the request of counsel for the aggrieved, who requested that *"...the matter be discontinued and brought to an end..."* consequent on the settlement agreement arrived at by both parties.

PARTIES' RESPONSE

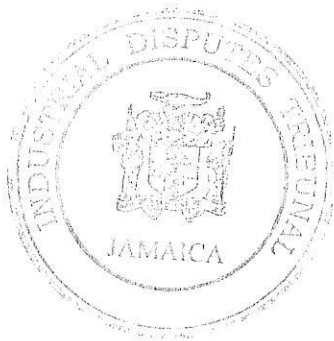
4. The Tribunal received on October 28, 2022, a joint letter from the parties dated October 5, 2022, which indicated that *"the parties have arrived at a settlement.... the terms of which are confidential,"* and as a consequence, there would be *"...no necessity for the Tribunal to schedule any further meetings in this matter."*

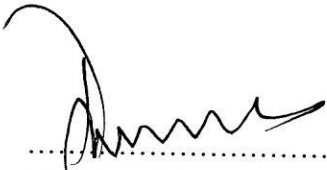



AWARD


5. The duly executed letter of October 5, 2022, herein attached, reflects the full participation of both parties in a settlement agreement, the terms of which have not been disclosed to the Tribunal. Accordingly, the Tribunal will discontinue proceedings and record the settlement in the form of an award.

DATED THIS 14th DAY OF NOVEMBER, 2022





.....
Mr. Donald Roberts, CD, JP
Chairman


.....
Mrs. Jacqueline Irons, JP
Member


.....
Dr. Denese Morrison, JP
Member

Witness:


.....
Mr. Mario Ling
Acting Secretary to the Division

BROCARD

ATTORNEYS-AT-LAW

M. ANGELA ROBERTSON

CHRISTOPHER COWAN

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October 5, 2022

Industrial Disputes Tribunal
4 Ellesmere Road
Kingston 10

Attention: Mr. Mario Ling

Dear Sirs:

**RE: DISPUTE BETWEEN KENNETH LOSHUSAN & SONS LTD. T/A
LOSHUSAN SUPERMARKET AND KEVIN BENNETT OVER THE
TERMINATION OF HIS CONTRACT OF EMPLOYMENT (IDT 14/2022)**

The parties have arrived at a settlement in the abovementioned matter, the terms of which are confidential.

In light of the settlement, the dispute would be at an end and, consequently, there would be no necessity for the Tribunal to schedule any further meetings in this matter. Accordingly, the parties request that the IDT makes no award.

To confirm the fact that the parties have arrived at a settlement and are making the request contained herein, we have both duly executed this letter.

Yours faithfully


CHRISTOPHER COWAN

For and on behalf of KENNETH LOSHUSAN & SONS LTD. T/A LOSHUSAN
SUPERMARKET


NICHOLAS A. KELLYMAN

For and on behalf of KEVIN BENNETT

Nicholas A. Kellyman
Attorney-at-Law
Attorney No.: 5909

c: Ms. Laura Loshusan

