INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 30/2018

SETTLEMENT OF DISPUTE

BETWEEN

NEW DAY ALUMINUM (JAMAICA) LIMITED
(NORANDA BAUXITE)

AND

UNIVERSITY & ALLIED WORKERS UNION

AND THE

AWARD

I.D.T. DIVISION

MISS MARSHA SMITH	-	**CHAIRMAN**
MR. ERROL BECKFORD	-	**MEMBER**
MRS. CHELSIE SHELLIE-VERNON	-	**MEMBER**

MARCH 5 2020

INDUSTRIAL DISPUTES TRIBUNAL JAMAICA

MS

IDT 30/2018

INDUSTRIAL DISPUTES TRIBUNAL

AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

NEW DAY ALUMINUM (JAMAICA) LIMITED
(THE COMPANY)

AND

UNIVERSITY & ALLIED WORKERS UNION
(THE UNION)

REFERENCE:

By letter dated September 24, 2018, the Honourable Minister of Labour and Social Security pursuant to Section 11A (1)(a)(i) of the Labour Relations and Industrial Disputes Act of 1975 (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 Day Aluminium (Jamaica) Limited (Trading as Noranda Bauxite) on the one hand and the University and Allied Workers' Union on the other hand over the following claims made by the Union:***
>
> ***(a) The non-payment of the agreed salary to the workers represented by the University and Allied Workers Union pursuant to Clause 2 of the Collective Labour Agreement dated November 1, 2014 for the period May 1, 2013 to April 30, 2016;***

(b) ***The cessation of the existing Loan Programme at the Company contrary to Clause 54 of the Collective Labour Agreement between the parties dated May 1, 2004;***

(c) ***The failure of the Company to fulfill its obligations in respect to Contractors pursuant to Clause 56 of the Collective Labour Agreement between the parties dated May 1, 2004."***

The parties objected to the Terms of Reference and the matter was subsequently returned to the Honourable Minister for due consideration for the amendment of the Terms of Reference via letter dated October 22, 2018.

By letter dated November 13, 2018, the Honourable Minister responded amending the Terms of Reference as under:

"To determine and settle the dispute between New Day Aluminium (Jamaica) Limited (trading as Noranda Bauxite) on the one hand and the University and Allied Workers' Union on the other hand over the following claims made by the Union:

(a) ***The Company's non-compliance with Clause 2 of the Memorandum of Agreement dated November 1, 2014,***

(b) ***The cessation of the existing Loan Programme at the Company contrary to Clause 57 of the Collective Labour Agreement between the parties dated May 1, 2004,***

(c) ***The failure of the Company to fulfill its obligations in respect to Contractors pursuant to Clause 56 of the Collective Labour Agreement between the parties dated May 1, 2004"***

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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:

Miss Marsha Smith	-	Chairman
Mr. Errol Beckford	-	Member, Section 8(2) (c) (ii)
Mrs. Chelsie Shellie-Vernon	-	Member, Section 8(2) (c) (iii)

REPRESENTATIVES OF PARTIES:

The **Company** was represented by:

Ms. Angela Robertson	-	Attorney-at-Law
Mr. David Wong Ken	-	Attorney-at-Law
Ms. Marshalee White	-	Legal Officer

In attendance were:

Mrs. Nordia Tracey	-	Human Resources Manager
Mr. Nathan Thompson	-	Human Resources Consultant

The **Union** was represented by:

Senator Lambert Brown	-	President
Garfield Harvey	-	Industrial Relations Consultant

In attendance were:

Mr. Alfred Hemmings	-	Chief Delegate

Several other delegates were in attendance

SUBMISSIONS AND SITTINGS:

Briefs were submitted by both parties who made oral submissions during thirteen (13) sittings held between July 16, 2018 and March 14, 2019.

REPORT TO THE TRIBUNAL:

By letter dated January 21, 2020, Miss Angela Robertson, Attorney at Law representing New Day Aluminum (Jamaica) Limited (trading as Noranda Bauxite), enclosed letter

INDUSTRIAL DISPUTES TRIBUNAL JAMAICA

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signed jointly by the parties to the dispute informing the Tribunal that the parties have reached a settlement on terms which are confidential.

AWARD:

The parties having settled the dispute at the local level and having maintained a position of non-disclosure of the terms of the said Agreement, the Tribunal makes No Award.

DATED THIS 5th DAY OF MARCH 2020.

Miss Marsha Smith
Chairman

Mr. Errol Beckford
Member

Mrs. Chelsie Shellie-Vernon
Member

Witness:

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Mr. Gary Lediard
Secretary to the Division