

INDUSTRIAL DISPUTES TRIBUNAL

INTERPRETATION OF AN AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

ST. ANN BAUXITE LIMITED

AND THE

UNIVERSITY AND ALLIED WORKERS UNION

REFERENCE:

By letter dated May 21, 2009 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 St. Ann Bauxite Limited on the one hand and the University and Allied Workers Union on the other hand over the termination of employment on the grounds of redundancy of the following workers as listed in the attached document."

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. Norman Wright, Q.C. - Chairman
- Mr. Rion Hall, J.P. - Member, Section 8(2)(c)(ii)
- Mr. D. Trevor McNish - 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

In attendance were:

- Mrs. Nordia Tracey - Training & Organizational Development
Human Resource Specialist

The **Union** was represented by:

- Senator Lambert Brown - President
- Mr. Garfield Harvey - 1st Vice President

In attendance were:

- Mr. Herman Brown - Chief delegate
- Mr. Alfred Hemmings - Deputy Chief Delegate
- Several other Workers and delegates

REQUEST FOR /INTERPRETATION RE AWARD No. 7/2009 ITEM (i)

In response to a letter received from Miss Angela Robertson dated June 15, 2015, on behalf of Noranda Bauxite Limited (St. Ann Bauxite Limited), requesting an Interpretation of item (i) in said Award and having regard to the short time frame contemplated in which to implement this Award, the Tribunal embraced the opportunity of hearing the parties on Thursday June 18, 2015, with a view to handing down an Interpretation with expedition.

The request for an Interpretation is with respect to item (i) of the Award which reads as follows:

AWARD:

- (i) That Noranda Bauxite Limited (St. Ann Bauxite Limited) reinstates the workers whose employment were terminated on the grounds of redundancy and whose names are listed in the document attached to the Terms of Reference, on or before June 29, 2015.

The Tribunal heard fulsome submissions from both Miss Angela Robertson on behalf of Noranda Bauxite Limited and Senator Lambert Brown, representing the University and Allied Workers Union, supported on both sides by references to relevant cases and opinions of learned authors, in this regard.

The respective submissions are summarized below :

On behalf of Noranda, it is submitted that where item (i) of the Award is chosen, remuneration to the relevant workers would commence on June 29, 2015. On the other hand, it is the submission of the Union that an option for item (i) of the Award would include an obligation on Noranda to pay remuneration to the relevant workers, as of the date of the dismissals by reason of redundancy.

Having given careful consideration to the submissions in addition to perusing the authorities and opinions of learned authors submitted, the Tribunal is quite satisfied that the interpretation relied on by the Union representative, reflects the intention of the Tribunal as to the Order for RE-INSTATEMENT of the workers on or before June 29, 2015.

Simply put, reinstatement requires that the workers affected be restored to the positions that they held at the time of the redundancy, together with all rights, privileges and benefits, including remuneration to which they were entitled at the time their services were terminated by reason of redundancy.

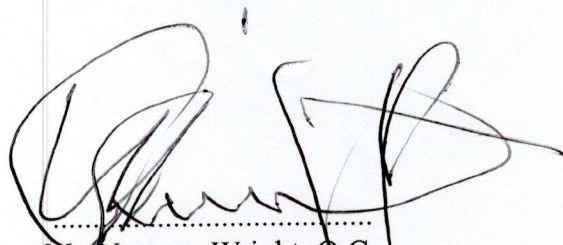
We accordingly, emphasize that RE-INSTATEMENT means that all the workers affected should be restored in their positions, with all rights, privileges and benefits including remuneration attached to their positions at the time when their services were terminated by reason of redundancy.

We accordingly so advised.

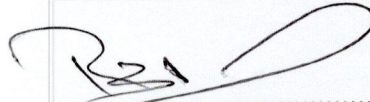
DATED THIS 24 DAY OF JUNE 2015.



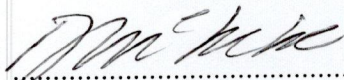
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Gary Lediard
Secretary to the Division



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Mr. Norman Wright, Q.C.
Chairman



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Mr. Rion Hall, J.P.
Member



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Mr. Trevor McNish
Member