

INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 31/2023

SETTLEMENT OF DISPUTE

BETWEEN

WHOLESOME CAFÉ LIMITED

AND

SHAUNA DUSSARD

AND THE

AWARD

I.D.T. DIVISION

MRS. SHARON ANDERSON	-	CHAIRMAN
MRS. JACQUELINE IRONS, J.P.	-	MEMBER
MR. PAUL HINES	-	MEMBER

APRIL 20, 2024

INDUSTRIAL DISPUTES TRIBUNAL

AWARD

IN RESPECT OF

AN INDUSTRIAL DISPUTE

BETWEEN

**WHOLESOME CAFÉ LIMITED
(THE COMPANY)**

AND

**SHAUNA DUSSARD
(THE AGGRIEVED WORKER)**



REFERENCE:

By letter dated December 18, 2023, the Honourable Minister of Labour and Social Security in accordance with Section 11(1) 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 Wholesome Café Limited on the one hand,
and Shauna Dussard 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:

Mrs. Sharon Anderson	-	Chairman
Mrs. Jacqueline Irons, J.P.	-	Member, Section 8(2) (c) (ii)
Mr. Paul Hines	-	Member, Section 8(2) (c) (iii)

REPRESENTATIVES OF THE PARTIES:

The **Company** was represented by:

Mrs. Nickeisha Douglas-Thomas	-	Manager
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Ms. Shauna Dussard represented herself

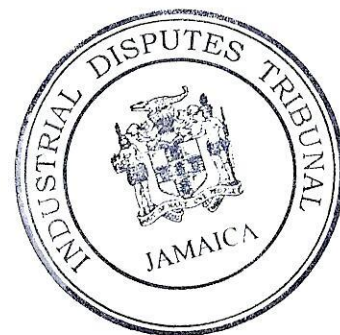
SUBMISSIONS:

A Brief was submitted by the Company. No sitting was held.

REPORT OF THE TRIBUNAL:

By email dated March 14, 2024, a Release and Discharge letter dated March 14, 2024, signed by Shauna Dussard and witnessed by Attorney David Henry, was received by the Tribunal from the Company.

On March 26, 2024, the Tribunal received a letter from Ms. Shauna Dussard confirming that the dispute has been resolved.



AWARD:

The attached Release and Discharge dated March 14, 2024 executed under the signature of all parties to this dispute constitutes the Award.

DATED THIS 20 DAY OF APRIL 2024



.....
Mrs. Sharon Anderson
Chairman

.....
Mrs. Jacqueline Irons, J.P.
Member

.....
Mr. Paul Hines
Member

Witness:

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

RELEASE & DISCHARGE

THIS RELEASE & DISCHARGE is made on the 14 day of March, 2024, by **SHAUNA DUSSARD**, of Irish Town, St. Andrew, Jamaica, with TRN # 113-608-527 (hereinafter referred to as the "Releasor").

WHEREAS:

- (i) The Releasor is a former employee of **WHOLESOME CAFÉ LIMITED**, a company registered under the laws of Jamaica and having its registered offices at 14 Ocean Boulevard, Kingston, Jamaica (hereinafter referred to as "Wholesome").
- (ii) The Releasor's employment with Wholesome was terminated on or about April 6, 2023 (hereinafter referred to as the "Releasor's termination");
- (iii) The Releasor alleges that the said termination was wrongful, unfair and/or unlawful and has lodged a complaint with the Minister of Labour and Social Security who has, in turn, referred the matter to the Industrial Disputes Tribunal;
- (iv) Wholesome denies any liability or wrongdoing in relation to the termination of the Releasor's employment;
- (v) Notwithstanding the respective positions of the Releasor and Wholesome, they are desirous of resolving this matter amicably and without further recourse to litigation or further prolongation of the matter.

NOW THIS RELEASE & DISCHARGE WITNESSETH as follows:

1. The Releasor hereby agrees to accept from Wholesome the sum of **Jamaican Two Hundred and Fifty Thousand Dollars (JA\$250,000.00)** in full and final settlement and satisfaction of all claims, actions, damages, expenses, liabilities, losses, demands and proceedings whatsoever (including any interest thereon and Attorneys' costs) arising out of or in connection to the Releasor's termination.
2. The Releasor hereby releases and discharges Wholesome, its shareholders, directors, employees, agents and successors, and each of them, from all claims, actions, damages, expenses, liabilities, losses, demands and proceedings whatsoever (including any interest thereon and Attorneys' costs) which the Releasor now has or at any time hereafter may have against Wholesome, its shareholders, directors, employees, agents and successors and each of them arising out of or in connection with the Releasor's termination whether such claim, action, demand or proceeding be made or brought by the Releasor or another person acting on her behalf.
3. The Releasor shall forthwith withdraw the complaint against Wholesome which she lodged with the Minister of Labour and Social Security and which was referred to the Industrial Disputes Tribunal as well as any other complaint or proceeding commenced in relation to the Releasor's termination.

4. The Releasor shall not initiate any further proceedings against Wholesome, its shareholders, directors, employees, agents and successors and each of them arising out of or in connection to the Releasor's termination.
5. It is understood and agreed that the payment of **Jamaican Two Hundred and Fifty Thousand Dollars (JA\$250,000.00)** is given to the Releasor by Wholesome without any admission of liability on the part of Wholesome, its shareholders, directors, employees, agents and successors, and each of them, in respect of the Releasor's termination.
6. The Releasor hereby warrants that she has read this Release & Discharge in its entirety, has sought legal advice thereon from an Attorney-at-Law, fully understands the terms and implications of same and has signed it freely and voluntarily.

IN WITNESS WHEREOF THE RELEASOR has executed this Release & Discharge on the day hereinbefore mentioned.

SIGNED by **SHAUNA DUSSARD**
In the presence of:

)
) S. Dussard
SHAUNA DUSSARD


**ATTORNEY-AT-LAW/JUSTICE OF
THE PEACE FOR THE PARISH OF**

DAVID G. HENRY
ATTORNEY-AT-LAW