

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE INDUSTRIAL COURT OF TRINIDAD AND TOBAGO

IN THE MATTER OF A TRADE DISPUTE UNDER

THE INDUSTRIAL RELATIONS ACT, CHAPTER 88:01

TRADE DISPUTE _____ OF 2012

BETWEEN

ABZ UNION - PARTY No. 1

AND

BOLT COMPANY LIMITED - PARTY No. 2

Evidence and Arguments of Party No.1

1. Party No., 1 ABZ Union, (hereinafter called “the Union”) is a trade Union registered under the Trade Unions Act of Chapter 88:02 with its principal place of business situated at #140 Woodford Square, Port of Spain Trinidad and Tobago.
2. Party No.2, BOLT Company Limited, (hereinafter called “the Company”) is a company duly incorporated under the Companies Act Chapter 81:01 of the Laws of the Republic of Trinidad and Tobago, with its principal place of business situated at # 85 Don Miguel Extension Road, San Juan, Trinidad and Tobago
3. The trade dispute as reported by Party No. 1 concerns the dismissal of Jim Carey Clerk III, (hereinafter referred to as “the Worker”)
4. The Worker was an employee of the Company for 25 years. He was first employed on the 16th of June 1986 as a Clerk and he worked in several departments through his tenure. The Worker was promoted from time to time during the period he worked with the Company. His last promotion in the Company was Clerk III.

5. The Worker was a monthly paid employee and his salary at the time of his dismissal was Six thousand five hundred dollars (\$6500.00) per month.
6. At all material times the Worker's Supervisor was Mr. Jackie Chan and his Manager was Mr. Spike Lee.
7. At about 10 am on Friday 10th December 2011, the Worker was performing his duties at his desk at work when he began to feel ill. He went to his supervisor's office to inform him about his illness but Mr. Chan, the supervisor, was not there. The Worker then proceeded to the office of the Manager to inform him of his condition.
8. When the Worker knocked on the Manager's door, Mr. Lee opened the door and promptly closed the said door hitting the Worker in his face in the process. The Worker knocked on the door a second time but Mr. Lee did not respond. As a result the Worker opened the door and informed the Manager that he needed to speak to him urgently, the Manager refused to acknowledge the Worker's presence, and he failed to look up. He told the Worker to "Come back later." The Worker informed the Manager that he had slammed the door in his face and he demanded an explanation. The Manager did not look up and he did not reply.
9. The Worker began feeling dizzy and he became agitated. He told the Manager that he was feeling unwell and that he needed to seek medical attention. The Manager still did not look up but instead he told the Worker come back later or put what he had to say in writing. The Worker left the office about five minutes after and wrote a letter to the Manager which was placed on his secretary's desk and left for home. A true copy of this letter is attached hereto and marked "J.C. 1"
10. The Worker went to the doctor that same day for medical treatment and he was granted seven days sick leave. On 11th December 2011, the Worker submitted the seven (7) day sick leave certificate effective 11th December 2011 to 17th December 2011 to Mr. Lee's Secretary Susan. A true copy of this medical certificate is attached hereto and marked "J.C.2".
11. On Monday 18th December 2011, the Worker reported to work and was met by the Manager, who informed the Worker that he had not received a sick leave from him. The Worker told him that he left a copy of the sick leave with his secretary and that he also had a copy of the sick leave in his possession which he can show to him. Mr. Lee told the Worker that he did not want to see the copy of the sick leave certificate. He informed the worker that he will not be paid for the period he was on sick leave.

12. The Worker began feeling ill again on the afternoon of the 18th. He was ill all day on the 19th and 20th December 2011 and as a result he was unable to work and remained at home. The Worker returned to work on the 21st December 2011 and worked for the entire day with some discomfort.

13. On the 22nd December 2011, the Worker reported for duty and began performing his usual tasks. While he was working he was approached by the Manager who ordered him to stop all work. The Manager then informed the Worker that he had abandoned his job since the 10th December, 2012. He then handed the Worker a letter which stated that he had abandoned his job. A true copy of this letter dated 21st December 2011 is attached hereto and marked "J.C.3".

14. The Company has not paid the Worker for his sick leave nor his vacation leave.

15. The Worker has never received a warning letter from the Company nor has disciplinary action been ever instituted against him since he began working with the Company.

ARGUMENTS

1. The Union contends that the Worker did not abandon his job.
2. The Union further contends that the Company terminated the services of the Worker in circumstances which were harsh, oppressive and contrary to the principle of good Industrial Relations Practices.
3. The Union also contends that the Company failed to take into account the Worker's unblemished record of service as a mitigating factor in its decision to terminate the services of the Worker.

And the Union seeks:-

1. An order from this Honourable Court that the Company dismissed the Worker in circumstances which were harsh, oppressive and contrary to the principles of good Industrial Relations Practices.
2. An order that the Worker did not abandon his job.
3. An order that the Worker be paid for his sick leave and vacation leave.
4. An order that the Worker be reinstated without any loss of earnings.

5. Any further relief which the court may deem fit.

Dated this 24th day of January, 2012.

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Jordan Stewart
Vice President
ABZ Union

**TO: The Registrar,
Industrial Court of Trinidad and Tobago.
St Vincent Street
Port of Spain**

**Michael Brigins
General Manager
BOLT Company Limited
85.Don Miguel Extension Road
San Juan**

Please Note: Evidence and Arguments must be typed on both sides of the page.