

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 NO. _____ OF 2012

BETWEEN

ABZ UNION - PARTY No.1

AND

BOLT COMPANY LIMITED - PARTY No.2

Evidence and Arguments of Party No.2

1. 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
2. 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.

3. Jim Carey (herein after called “the Worker”) was employed with the Company for 25 years and over this period he performed duties in several departments of the Company. The Worker was a monthly paid employee and his last salary before he abandoned his job was Six thousand five hundred dollars (\$6500.00). He was initially employed on the 16th June 1986 as a Clerk I in the Purchasing department.
4. In the month of December of 2011 the Worker was a Clerk III in the said Purchasing Department and was responsible for the printing of call cards.
5. On Friday 10th December 2011, Mr. Spike Lee, (hereinafter called “the Manager”) was in a meeting with Mr. John Doe in his office when there was a loud noise outside his office.
6. Shortly thereafter the Worker walked into the Manager’s office and he began shouting in a very loud and aggressive manner. He quickly passed where Mr. Doe was sitting and began shouting to the Manager stating “If I cannot talk to you today somebody will dead”.
7. The Manager responded to the Worker in a calm voice and told him that he was presently in a meeting. He also advised that the Worker should wait outside or put his concerns in writing so that he can address them. The Worker ignored the Manager’s suggestions, he responded in a loud tone laced with expletives that he was not satisfied with the Manager’s answer and that he needed to speak with him immediately. Once again the Manager calmly told the Worker that he should wait until the meeting was over or he should put his concerns in writing so that he could deal with them. The Worker refused to wait. He kept repeating his demands in a loud tone insisting that the Manager meet with him immediately. The Manager again told the Worker that he was in an important meeting and asked if he could wait for a short while.
8. The Worker paced up and down the office for about for about five (5) minutes cursing and demanding over and over that the Manager meet with him immediately. The Manager continued to tell the Worker that he was currently in a meeting. The Worker eventually left the Manager’s office.
9. The Company made several unsuccessful attempts to contact the Worker after he left work on the 10th December 2011. The Worker has failed to contact the Company and to return to work, as a result the Company wrote to the Worker about his failure to report for duty. The Company also wrote to the Worker about his conduct at the Manager’s office on 10th December, 2011. Copies of correspondence to the Worker are hereto annexed and marked “Appendix 1” and “Appendix 2.”

10. This is not the first time the Worker has addressed members of management in a very disruptive and aggressive manner. Over the course of the Worker's history with the company he has habitually shouted and threatened other employees. As a result the Company has written to the worker warning and admonishing him about his behavior. Copies of these letters are here to attached and marked Appendix 3.

11. The Worker left for home on the said 10th December, 2011 and he has never reported for work since that day.

ARGUMENTS

1. , The Company contends that it has always adhered to the established principles and practices of good Industrial Relations.
2. The Company contends that it did not dismiss the Worker
3. The Company further contends that the Worker has abandoned his job on 10th December, 2011.
4. The Company also contends that it has made several attempts to contact the Worker since 10th December, 2011 to no avail.
5. The Company also contends that the Worker's actions and his conduct at Mr. Lee's office and at work on 10th December, 2011, were insulting, abusive and disrespectful.

And the Company seeks:

1. A declaration from this Honourable Court that the Worker has abandoned his job on the 10th December, 2011.
2. A declaration that the Company has not violated the provisions of the Industrial Relations Act, Chapter 88:01.
3. A declaration that the Company is not in breach of any Industrial Relations principles
4. An Order of the Honourable Court that this trade dispute be dismissed.

Dated this 13th day of February, 2012.

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Michael Brigins
General Manager
BOLT Company Limited

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

**TO: Jordan Stewart
Vice President
ABZ Union
#140 Woodford Square,
Port of Spain**

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