



LABOUR CODE, 2010
(No. 4 of 2010)

IN THE LABOUR ARBITRATION TRIBUNAL

Case No. BVILAT2021/007

BETWEEN

Lenius Lendor

COMPLAINANT

AND

BVI Ports Authority

RESPONDENT

FINAL AWARD

BEFORE: Samuel Jack Husbands chairperson, Zebalon McLean and Kamika Forbes, arbitrators

HEARING ON: 16 November, 6 and 13 December 2023

DECISION ON: 27 September 2024

IN ATTENDANCE: (1) Lenius Lendor, the Complainant
(2) John Carrington KC, instructed by Kendal, legal practitioners for the Complainant
(3) Terrance Neale, instructed by Torveny Law Chambers, legal practitioners for the Respondent

ADDITIONALLY: (4) Malisa Ragnauth-Mangal, Secretary to the Tribunal

WHEREAS the Complainant filed a complaint with the Labour Commissioner containing a claim for orders against the Respondent and the claim was referred by the Minister to the Tribunal for resolution pursuant to section 28(1) of the Labour Code 2010 (**the Code**) on 27 May 2021

WHEREAS the trial of the claim took place on 16 November 2023 via video conference in accordance with the Labour Code (Arbitration Tribunal) (Telephone and Video Hearing) Guidelines, 2020 (S.I. No. 99 of 2020)

AND HAVING HEARD the evidence

AND THE PARTIES having filed written post-hearing submissions on 6 and 13 December 2023

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. the Respondent shall pay to the Complainant compensation in the sum of \$67,714.00,
2. the Respondent shall pay to the Complainant pre-judgment interest at the rate of 3% on the sums awarded from 14 days after the termination date of 3 January 2020 until the date of this award,
3. the parties shall within 21 days file submissions on the costs of the claim and costs ordered by paragraph 17 of the order of the Tribunal on the Preliminary Objection dated 28 October 2021.

By Order

Labour Arbitration Tribunal

