



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ CLARIFIES GUYANESE TERMINATION LEGISLATION

CCJ, Port of Spain. The Caribbean Court of Justice (CCJ) today delivered their decision in **Guyana Sugar Corporation Inc. v Chandradat Dhanessar** bringing closure to almost a decade of litigation related to the Termination of Employment and Severance Pay Act 1997 ('the Act').

Guyana Sugar Corporation (Guysuco) summarily dismissed Mr Dhanessar from his job as a cane worker in November 2006 following a physical altercation with his supervisor. Guysuco challenged the decision of the Court of Appeal of Guyana which held that Mr Dhanessar's conduct did not amount to serious misconduct as to justify summary dismissal under section 10 of the Act. The Court of Appeal also ruled that Mr Dhanessar should be paid wages in lieu of notice as well as severance benefits.

The CCJ partly allowed the appeal and used the opportunity to clarify several parts of the Act. On the issue of summary dismissal, it held that because Guysuco did not present evidence that Mr Dhanessar's conduct related to the employment relationship or caused detriment to their business, it could not rely on section 10 of the Act. The Court agreed that there was good and sufficient cause to dismiss Mr Dhanessar for his inappropriate conduct under section 7 of the Act but noted that in such circumstances, the payment of severance benefits is excluded by the Act. The Court therefore set aside the award of the severance benefits but left intact the award of one month's salary in lieu of notice.

The Court was comprised of Justices Nelson, Wit and Hayton. Mr Kamal Ramkarran served as Attorney-at-law for Guysuco and Mr Khemraj Ramjuattan appeared for Mr Dhanessar.

The decision of the Court can be accessed via the CCJ's website at www.caribbeancourtjustice.org.