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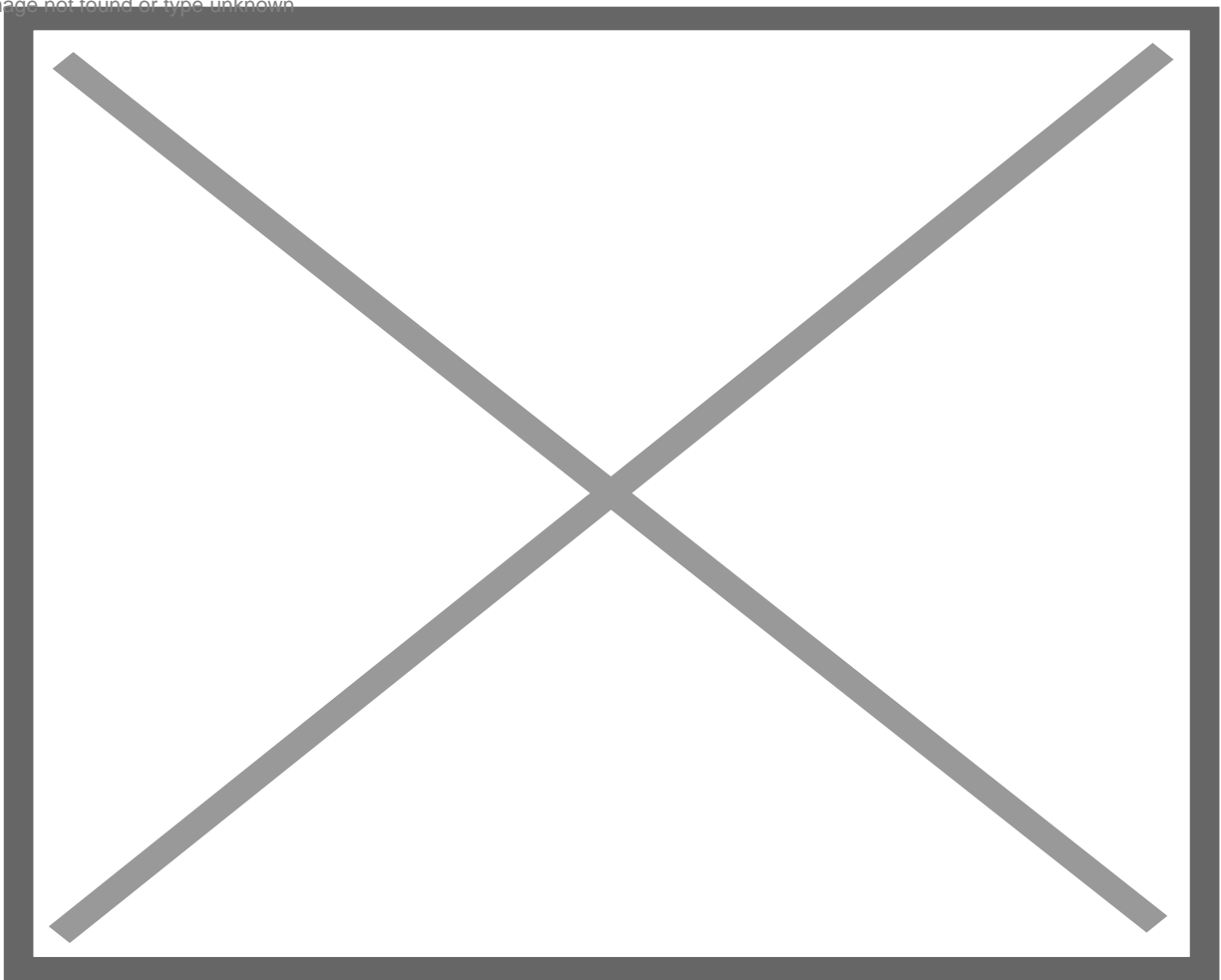
Former Ocean Point Employee Says He Was Dismissed For Working Alongside Port Hamilton Employees; Sues for Wrongful Termination

Ocean Point says dispute should be settled by mandatory binding arbitration rather than in the courts

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Ocean Point Terminals

A former employee of Limetree Bay Terminals, which now operates under the name Ocean Point Terminals, is suing the company claiming that he was wrongfully dismissed from his job as a gas turbine control specialist.

A complaint filed by prominent local attorney Lee Rohn alleges that her client Mark Beharry, as well as his fellow Ocean Point workers, were accustomed working closely with employees of Port Hamilton Refining and Transportation after PHRT bought the refinery following Limetree Bay Refinery's bankruptcy auction.

Because of the terminal and the refinery's co-existence on the same compound, many services and functionalities are shared between the two operations, guided by a shared services agreement which in itself is in controversy. Nevertheless, on the ground, co-operation between the workers of both companies was the norm, the lawsuit alleges. Collaborative efforts included "drafting work orders, working on each other's equipment, [and] providing manuals for the equipment regardless of which company owned the equipment."

According to Mr. Beharry's complaint, at the end of August 2022 Ocean Point's Chief Operating Officer Jeff Charles convened a meeting, in which he allegedly launched into a "rant" about his lack of trust in Port Hamilton. The lawsuit claims that Mr. Charles shared "his personal thoughts about the company, and its owners" to his employees at the meeting.

However, after that incident, there was no new policy issued by management, Mr. Beharry says – so he and the other Ocean Point staff continued their collegial relationship with their PHRT counterparts as per usual. "Employees of PHRT continued to provide information and services to employees of Ocean Point Terminals and vice versa," the lawsuit says, in the absence of "consistency in the messaging or directives as to how to work with PHRT moving forward."

The status quo continued until October of that year, when Mr. Beharry says he was suspended pending further investigation, and told to report to Human Resources on October 21. A week after the 21st, Mr. Beharry was fired "based on false allegations that Plaintiff had violated specific instructions...not to provide services or information to PHRT without prior approval from Ocean Point Terminals leadership."

Although not explicitly stated in his complaint, the issue seems to stem from emails sent by Mr. Beharry to PHRT employees, which Ocean Point seems to be alleging contained confidential information. Mr. Beharry, however, says that any information conveyed regarding salary ranges was not taken from Ocean Point databases, but was either simply a recitation of his personal thoughts, or data that had already been publicly posted.

Mr. Beharry is suing for violations of the Wrongful Discharge Act, as well as the infliction of emotional distress.

In response, Ocean Point has sought to move the matter from the V.I. Superior Court to V.I. District Court, and has also sought a stay in the matter, claiming that a condition of Mr. Beharry's employment was to agree to mandatory binding arbitration for the settlement of disputes.

The agreement specifically covers claims that fall under "any territorial anti-discrimination and anti-harassment laws," and explicitly mentions the Wrongful Discharge Act as an example of such laws that would be covered by mandatory binding arbitration. With Mr. Beharry having signed onto this agreement when he was hired, Ocean Point is asking the court to stay the matter before them, and order the parties to enter into arbitration.