

COMMONWEALTH OF THE BAHAMAS
INDUSTRIAL TRIBUNAL

No. IT/ NES/ 158 of 2019

In The Matter of The Industrial Relations Act

And

In the Matter of the Industrial Relations (Tribunal Procedure) Rules 2010

BETWEEN

MICHAEL CLARKE

Applicant

AND

ARAWAK PORT DEVELOPMENT LIMITED
d/b/a Nassau Container Port

Respondent

APPEARANCES: Mr Hilbert Collie for the Applicant

Ms Yvette Rahming for the Respondent

BEFORE: Her Honour Vice President Simone I. Fitzcharles

ORDER ON DIRECTIONS

WHEREAS:

- 1) By Certificate of Referral of a Trade Dispute dated 11 October 2019, the Minister referred the subject dispute to the Industrial Tribunal;
- 2) Pursuant to Rule 3(1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for presentation of an Originating Application was issued by the Secretary of the Industrial Tribunal to the Applicant on 12 November 2019;
- 3) The Applicant filed an Originating Application (Form A) in the Industrial Tribunal on 2 December 2019;
- 4) Pursuant to Rule 4 of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice of the Originating Application (Form C) was issued by the Tribunal to the Respondent on 2 December 2019;

- 5) A Notice of Appearance (Form D) was entered by the Respondent on 13 December 2019 and a Defence (Form E) on 8 January 2020;
- 6) This matter was listed for a Case Management hearing set for 18 February 2020 by way of Form J.
- 7) The Respondent raised the issue that it wished to launch applications preliminary to the trial of this matter, the first for a strike out of the Originating Application and the second for an order that the hearings of this matter take place in private.

IT IS HEREBY ORDERED as follows:

1. The Respondent shall file and serve on the Applicant's representative the following documents on or before 10 March 2020:
 - (1) The application for an order that the Originating Application be struck out ("the strike out application");
 - (2) The application for an order that the hearing take place in private ("the privacy application");
 - (3) Any affidavits the Respondent wishes to file in support of the strike out application and the privacy application; and
 - (4) Any documents the Respondent wishes to file in support of the strike out application and the privacy application
 - (5) Legal submissions and authorities relevant to the strike out application and the privacy application.
2. The Applicant shall file and serve on the Respondent's representative the following documents on or before 31 March 2020:
 - (1) Any affidavit he wishes to file in response to the strike out application and the privacy application;
 - (2) Any documents he wishes to file in support of his response to the strike out application and the privacy application; and

(3) Legal submissions and authorities relevant to the strike out application and the privacy application.

3. The parties shall have liberty to apply for further directions and/or to vary these directions.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 18th day of February 2020.

Her Honour

Simone I. Fitzcharles

Vice President