

COMMONWEALTH OF THE BAHAMAS

IT/NES/12/2020

INDUSTRIAL TRIBUNAL

NEW PROVIDENCE

In the Matter of the Industrial Relations Act, Chapter 321

And

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

BETWEEN:

LYNDEN FRAZIER

APPLICANT

v.

PARADISE ISLAND ENTERPRISES LTD

RESPONDENT

APPEARANCES: Mr. Tyrone Morris (Holding Brief for Mr. Obie Ferguson) on behalf of the Applicant

Mr. Kenneth Lightbourne on behalf of the Respondent

BEFORE: Her Honour, President Indira N. Demeritte-Francis

ORDER ON DIRECTIONS

WHEREAS:

- (1) By Certificate of Referral dated 7th January, 2020 the Minister referred the subject dispute to the Industrial Tribunal; and

- (2) In accordance with Rule 3 (1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for an Originating Application – Form A was sent on 28th January, 2020 by the Secretary, to the Tribunal, to the Applicant; and
- (3) Upon receipt by the Applicant of the Notice for an Originating Application the Applicant filed an Originating Application in the Tribunal on the 13th February, 2020; and
- (4) A Notice of Application to the Respondent – Form C and a Notice of Appearance - Form D was sent to the Respondent on the 18th February, 2020; and
- (5) That a Notice of Appearance - Form D was filed on 25th February, 2020 and no Defence – Form E was filed in the Tribunal by the Respondent; and
- (6) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal set a fixture on the 13th August, 2020 for the Case Management Hearing for Directions; and
- (7) That both parties have consented to continue the Case Management process even after the Court declared a conflict of interest relative to one of the Applicants, namely, Wilfred Smith after a request was made to the Court to consolidate all the matters; and

IT IS HEREBY ORDERED by consent of the parties:

- a. That the Respondent will file a Defence – Form D within seven (7) days from the date of this Order.
- b. That the Applicant will file Skeletons, Witness Statements and Submissions on or before 18th December, 2020.
- c. That the Respondent will file Skeletons, Witness Statements and Submissions on or before 8th January, 2021.
- d. That the parties agreed to an estimated two (2) days of hearing.
- e. That the parties agreed that the Applicant will call two (2) witnesses and the Respondent will call two (2) witnesses.

- f. That the parties are at liberty to make an Application at any time before the Hearing to have the matter struck out.
- g. That this matter is to be consolidated according to the Industrial Relations (Tribunal Procedure) Rules, 2010 Rule 17 with Wilfred Smith v Paradise Island Enterprises NES/10/2020; Tyrone Morris v Paradise Island Enterprises Ltd. NES/11/2020; Herbert Knowles v Paradise Island Enterprises Ltd. NES/14/2020; Alworthington Farrington v Paradise Island Enterprises Ltd. NES/15/2020; Bernard Baker v Paradise Island Enterprises Ltd. NES/16/2020.

AND THIS IS THE ORDER OF THIS TRIBUNAL

DATED THIS, 13th August, 2020



Indira N. Demeritte – Francis

President

Industrial Tribunal