

COMMONWEALTH OF THE BAHAMAS
INDUSTRIAL TRIBUNAL

No. IT/ NES/ 179 of 2019

In The Matter of The Industrial Relations Act

And

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

B E T W E E N

CAROL FENELON

Applicant

AND

CENTRAL FOOD FAIR
WILLIAM LOK
KAY KAY LOK

Respondents

BEFORE: Her Honour Vice President Simone I. Fitzcharles

APPEARANCES: Mr Errol McKinney for the Applicant
No Appearance for the Respondent

ORDER ON DIRECTIONS

WHEREAS:

- 1) By Certificate of Referral of a Trade Dispute dated 18 November 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 December 2019;

- 3) The Applicant filed an Originating Application (Form A) in the Industrial Tribunal on 7 January 2020 and also filed a Form M seeking the joinder of the owners of the Respondent, William Lok and Kay Kay Lok, the Respondent being a trade name only;
- 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 13 January 2020;
- 5) A Notice of Appearance (Form D) was entered by the Respondent on 6 February 2020 and no Defence (Form E) has been filed to date;
- 6) This matter was listed for a Case Management hearing on 10 August 2020 which was served on the Applicant and the Respondent on 9 July 2020.
- 7) The Tribunal recognizes that the COVID-19 pandemic is still at large in the Commonwealth of The Bahamas and that person-to-person contact should be minimized as a preventative measure. The Tribunal also takes note of the fact that the Commonwealth is currently subject to Emergency Orders which include mandatory, at-home lockdown measures. The persistence of these conditions require that Tribunal hearings and correspondence be conducted in electronic form for which the Tribunal's Attachè filing system and Zoom meeting platforms have been established.

IT IS HEREBY ORDERED as follows:

Filing and Exchange of Pleadings

1. The Respondent's counsel shall register as soon as possible, (but in any event before it complies with the direction in paragraph 2 of this order), as counsel with the electronic Attachè platform provided by the Industrial Tribunal so as to enable the Respondent to continue with these proceedings from its current base.
2. The Applicant and Respondent shall file their witness statements, bundles of documents and skeleton arguments and serve the same on each other by no later than 1 September 2020, and by this date the Respondent shall also file and serve its Defence;

3. The Applicant and the Respondent shall file and serve on each other any supplemental witness statements, documents and/or skeleton arguments they deem necessary on or before 15 September 2020;
4. During the persistence of the COVID-19 pandemic in The Bahamas, the parties shall have liberty to comply with the filing requirements of this order either physically (if possible) or by using the Attaché platform provided by the Tribunal. Additionally, the parties shall have liberty to comply with the service requirements of this order either physically (if possible) or by using email for service of documents on each other.

The Duration, Witnesses and Mode of Trial

5. Each party shall be at liberty to call up to two (2) witnesses and the trial of this cause shall be set for one (1) day; and
6. The trial may take place either electronically using the Zoom platform provided by the Tribunal or alternatively, may take place in person, in its entirety or in part, depending upon whether Emergency Orders which affect the trial (inasmuch as the movement and gathering of persons are thereby curtailed), are in place at the time the trial is scheduled to take place. The Tribunal shall therefore notify the parties in advance of the trial as to the mode of the same, that is, whether it shall take place in person or electronically, or using both modes.

Application to Join Parties

7. Inasmuch as the Applicant's counsel has represented to the Tribunal that a company search at the Companies Registry has revealed no incorporated entity by the name of Central Food Fair, and that the said Central Food Fair is a trade name by which owners William Lok and Kay Kay Lok conduct business, the Tribunal orders that William Lok and Kay Kay Lok be joined as Respondents in this dispute.

8.. The parties shall have liberty to apply for any adjustment to these directions as necessary.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 10th day of August A.D. 2020.

Her Honour

Simone I. Fitzcharles

Vice President