

COMMONWEALTH OF THE BAHAMAS

IT/NES/62/2019

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:

MATTHEW SMITH

APPLICANT

v

BAHAMAS TAXI CAB UNION

RESPONDENT

APPEARANCES: Mr. Matthew Smith on behalf of the Applicant

Mrs. Kathleen Hassan and Mrs. Kahadra Sawyer on behalf of the Respondent

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

ORDER

- (1) By Certificate of Referral dated 24th April, 2019 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 27th May, 2019 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 31st May, 2019; 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 4th June, 2019; and
- (5) That an Notice of Appearance - Form D was filed 7th August, 2019 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 for the Case Management Hearing for Directions on the 26th September, 2019; and
- (7) The Applicant appeared pro se and Respondent at that time was represented by attorney Christina Galanos; and
- (8) On the day of hearing, after several adjournment, both parties informed the Tribunal that the matter had been settled; and
- (9) The Respondent agreed to pay the Applicant Sixteen Thousand Dollars (\$16,000.00) as final settlement in instalment payments, commencing with Five Thousand Dollars (\$5,000.00) down payment on 1st November, 2019; Two Thousand Dollars (\$2,000.00) on 1st December, 2019; Two Thousand Dollars (\$2,000.00) on 3rd January, 2020; and One Thousand Dollars (\$1,000.00) every month thereafter with One Thousand Five Hundred Dollars (\$1,500.00) as the final payment in September, 2020.
- (10) The Applicant was to file a Notice of Withdrawal – Form K on the last payment; and
- (11) The matter was listed for mention before the Industrial Tribunal on 27th October, 2020; and
- (12) At that hearing the Applicant appeared pro se and the Respondent was now represented by Mrs. Hassan and Mrs. Sawyer along with Mr. Wesley Ferguson (President of the Taxi Cab Union), who informed the Court that due to the Nation’s lockdowns as imposed by the COVID19 Emergency Orders, the Respondent business and income had been adversely effected, thus the Respondent was unable to meet the payments to the Applicant as was outlined before the Court on 26th September, 2019; and
- (13) That the Respondent pledged that payments to Mr. Smith would resume as soon as the Respondent can obtain business; and

- (14) That to date the Applicant had received a total of Four Thousand Five Hundred Dollars (\$4,500.00) and there remains a balance of Eleven Thousand Five Hundred Dollars (\$11,500.00) owed to Mr. Smith

THE DECISION OF THE TRIBUNAL IS AS AGREED AND THEREFORE IT IS SO ORDERED:

- (15) The Originating Application filed in the Industrial Tribunal on 31st May, 2019 is decided accordingly pursuant to Rule 12(1)(b) of the Industrial Relations (Tribunal Procedures) Rule 2010 and is hereby marked Settled.

AND THIS IS THE ORDER OF THIS TRIBUNAL

DATED THIS, 27th October, 2020

Indira N. Demeritte – Francis

President

Industrial Tribunal