

**COMMONWEALTH OF THE BAHAMAS**

**IT/NES/56/2018**

**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:**

**CLARICE MURPHY**

**APPLICANT**

v.

**LITTLE LEARNING CHRISTIAN ACADEMY & BABIES WORLD**

**RESPONDENT**

**APPEARANCES:** No Appearance on behalf of the Applicant

No Appearance on behalf of the Respondent

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

---

**DECISION**

---

- (1) By Certificate of Referral dated 21<sup>st</sup> February, 2018 the Minister referred the subject dispute to the Industrial Tribunal.
- (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 by the Secretary, to the Tribunal, on 18<sup>th</sup> April, 2018 to the Applicant.
- (3) Upon receipt by the Applicant of the Notice for an Originating Application the Applicant filed an Originating Application in the Tribunal on the 17<sup>th</sup> May, 2018.

- (4) A Notice of Application to the Respondent – Form C and a Notice of Appearance - Form D was sent to the Respondent on the 7<sup>th</sup> June, 2018.
- (5) That a Notice of Appearance - Form D filed 14<sup>th</sup> June, 2018 and a Defence – Form E was filed on the 13<sup>th</sup> June, 2018 in the Tribunal by the Respondent.
- (6) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal set a fixture on the 24<sup>th</sup> September, 2018 for the Case Management Hearing for Directions.
- (7) The Tribunal received a letter from Ms. Lisa Rahming, identified on the Originating Application as the representative for the Applicant, stating that she had not been retained in this matter and did not act on behalf of the Applicant.
- (8) The date listed for Case Management was vacated after the Tribunal was unsuccessful in attempts to contact the Applicant.
- (9) Therefore, the matter was set for Call Over on the 21<sup>st</sup> November, 2018 and Notice for the said hearing was Gazetted in The Bahama Journal Newspaper on the 14<sup>th</sup> November, 2018.
- (10) On the day of the Call Over there was no appearance of or on behalf of the Applicant or the Respondent.
- (11) The Court considered that the time between substituted service and the date of the Call Over Hearing was not sufficient for notice of a hearing as it is in the normal practice laid out in the Industrial Relations Tribunal Procedure Rules Section 8(2).
- (12) Further, the Tribunal contacted the Applicant concerning the pending Originating Application before the Industrial Tribunal on 24<sup>th</sup> May, 2019.
- (13) The Applicant stated that she no longer wished to pursue the matter.
- (14) The Applicant failed to file a Notice of Withdrawal – Form K in the Tribunal, therefore the matter was listed to be Called Over.

- (15) The matter was set for Call Over on the 10<sup>th</sup> November, 2020 and Notice for the said hearing was Gazetted in the Nassau Guardian Newspaper on the 16<sup>th</sup> October, 2020.
- (16) At the hearing there was no appearance for or on behalf of the Applicant or the Respondent in this matter.
- (17) Having regard to the above-mentioned facts as outlined above, the Tribunal is of the view that the matter be dismissed pursuant to Section 58(1)d of the Industrial Relations Act, Chapter 321 as further proceedings are unnecessary or undesirable in the public interest

**AND THIS IS THE DECISION OF THIS TRIBUNAL**

DATED THIS, 10<sup>th</sup> November, 2020

---

Indira N. Demeritte – Francis

President

Industrial Tribunal